# Washington, Saturday, July 31, 1943

### The President

### **EXECUTIVE ORDER 9365**

Women's Army Corps Service Medal-

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

There is hereby established the Women's Army Corps Service Medal, which shall include suitable appurtenances. Such medal may be awarded, under such regulations as the Secretary of War may prescribe, to members of the Women's Army Corps for honorable service performed by them in the Women's Army Auxiliary Corps.

Franklin D Roosevelt

THE WHITE HOUSE,

July 29, 1943.

[F. R. Doc. 43-12353; Filed, July 30, 1943; .10:54 a. m.]

## Regulations

### TITLE 10-ARMY: WAR DEPARTMENT

Chapter III-Claims and Accounts

PART 35—PAYMENT OF BILLS AND ACCOUNTS

TELEGRAPH AND CABLE SERVICE OUTSIDE U.S.

In § 35.20 subparagraph (6) is added as follows:

§ 35.20 Bills paid monthly. \* \* (b) Supporting evidence. \* \*

(6) (i) Where telegraph or cable service is rendered outside the continental

United States under conditions which make it impossible for the contractor or the contracting officer to secure the original telegrams or cablegrams, vouchers may be supported by copies of the original telegrams or cablegrams, together with a certificate executed by the contractor and approved by the contracting officer, setting forth the circumstances in the case and the reason that the originals of the messages required by subparagraph (1) above cannot be obtained.

(ii) Where the cost of a telegram or cablegram has been paid by a bank or

similar agency and the expenditure is otherwise correct, a debit note, statement, or other similar document from the bank or similar agency may be accepted in support of the voucher if the contractor certifies that the amount is not in excess of the minimum cost for similar services, that the telegram or a copy thereof cannot be secured and the reason therefor, and if the certificate is approved by the contracting officer.

(R.S. 161; 5 U.S.C. 22) [Par. 4/ AR 35-6100, 23 July 1942 as amended by C3, 14 July 1943]

[SEAL]

J. A. THO, Major General, The Adjutant General.

[F. R. Doc. 43-12294; Filed, July 29, 1943; 3:55 p.m.]

### Chapter VII-Personnel

PART 71-RECRUITING AND INDUCTION FOR THE ARMY OF THE UNITED STATES

### GRADE AND ENLISTMENTS

Sections 71.6 (d) and 71.9 (e) (2) are amended as follows:

§ 71.6 Grade. \* \*

(d) Reenlistment of men who serve on active duty as Reserve Officers or who are discharged to accept commissions as officers or appointments as warrant officers—(1) Regular Army. Any enlisted man of the Regular Army who serves on active duty as a Reserve Officer of the Army of the United States or who is discharged to accept a commission in the Army of the United States, will be entitled to reenlist in the Regular Army in the permanent grade held in the Regular Army immediately preceding such commissioned service provided application for reenlistment is made within 6 months after the termination of such commissioned service. Any such enlisted man who is discharged to accept a temporary appointment as a warrant officer in the Army of the United States will be entitled to reenlist in the Regular Army in the permanent grade held in the Regular Army immediately preceding such warrant officer service provided application for reenlistment is made and accepted within 6 months after termination of such warrant officer service if he

(Continued on next page)

# CONTENTS

### THE PRESIDENT

EXECUTIVE ORDER:

Paga

| Medal   | 10651   |
|---|---------|
| REGULATIONS AND NOTICE  |         |
|   | ~       |
| ALIEN PROPERTY CUSTODIAN:   |         |
| Vesting orders: Deutsches Haus, Inc   | 10670   |
| Deutsches Haus, Inc   | 10019   |
| Fassio, Lorenzo<br>Ferrantino, Anna   | 10650   |
| retransio, Anna   | 10660   |
| Klinke, Oskar<br>Meduna, Nori Rosa Aileen   | 10661   |
| Meddia, Nori Rosa Aneen   | 10001   |
| Narr, Christian   |         |
| Opitz, Henry C Petriella, Pietro Petroff, Michael Pia, Ernest Relmers, Paul Ritter, H. F., & Co., Inc. Robling, Frank J. and Margaret L Roder, Joseph Rossetto, Margherita Schaedlich Agnes B | 10000   |
| Petriena, Pietro  | 10004   |
| Petron, Enumer  | 10004   |
| Più, Efficst  | 10002   |
| Reimers, Paul   | 10003   |
| Riner, H. F., & Co., Inc  | 10918   |
| Robling, Frank J. and Mar-  | *0000   |
| garet L   | 10683   |
| Roder, Joseph   | 10084   |
| Rossetto, Margnerita  | 106.18  |
|   |         |
| Schaus, Wm<br>Schmidt, Henry H<br>Smith, J. M., and J. J. Lorenz_   | 10585   |
| Schmidt, Henry H  | 10685   |
| Smith, J. M., and J. J. Lorenz.   | 10683   |
| Toepfer, Ernst W. C   | 10678   |
| BITUMINOUS COAL DIVISION:   |         |
| Dismissal of certain petitions  |         |
| filed<br>District 1, minimum price sched-   | 10675   |
| District 1, minimum price sched-  |         |
| ule amended   | 10654   |
| Petitions of district boards or   | ~       |
| code members; expiration  |         |
| of Coal Act, etc  | 10575   |
| CHILDREN'S BUREAU:  |         |
| Maternal and child health; per-   |         |
| sonal standards   | 10674   |
| sonal standardsCIVIL AEROHAUTICS ADMINISTRATOR:   |         |
| Designation of certain control  |         |
| airports; miscellaneous   |         |
| amendments  | 10654   |
| Designation of civil airways;   |         |
| miscellaneous amendments.   | . 10654 |
| Port Columbus Airport, Co-  | -       |
| lumbus, Ohio; waiver of weather requirement for   |         |
| weather requirement for   |         |
| certain test flights  | . 10677 |
| CIVIL ADRONAUTICS BOARD:  |         |
| Applications for exemptions   |         |
| from requirements<br>Position lights; waiver of re-   | 10653   |
| Position lights; waiver of re-  |         |
| quirement for certain mili-   |         |
| tory gireraft   | 10653   |

(Continued on next page) 10651



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937. The Federal Register will be furnished by

mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in adper month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL

REGISTER.

### CONTENTS...Continued

| CONTENTS—Continued  |       |
|---|-------|
| CIVIL AERONAUTICS BOARD—Con.  | Page  |
| Scheduled air carrier approach limitations  | 10653 |
| FEDERAL POWER COMMISSION:<br>Cities Service Transportation  |       |
| and Chemical Co<br>Ohio Public Service Co., hear-   | 10677 |
| ing   | 10677 |
| Interstate Commerce Commission:<br>Car service; classification of rice                              |       |
| as grain and appointment  |       |
| of permit agents  | 10674 |
| OFFICE OF PRICE ADMINISTRATION:   |       |
| Adjustments, exceptions, etc.:  |       |
| Fred's Motor Transportation.  | 10671 |
| List of orders filed (2 docu-<br>ments) 10685,  | 10696 |
| Petroleum Transport, Inc  | 10671 |
| Primary distributors of direct  | 100.1 |
| consumption sugar   | 10686 |
| Apparel; military uniforms<br>(MPR 385, Am. 2)<br>Bananas (MPR 285, Am. 3)                          |       |
| (MPR 385, Am. 2)  | 10661 |
| Bananas (MPR 285, Am. 3)  | 10659 |
| Beef and veal carcasses and wholesale cuts (Rev. MPR  | -     |
| wholesale cuts (Rev. MFR  | 10671 |
| Butyl alcohol and esters thereof  | 10011 |
| 169, Am. 23)<br>Butyl alcohol and esters thereof<br>(MPR 37, Am. 7)<br>Coffee rationing (RO 12, Am. | 10672 |
| Coffee rationing (RO 12, Am.  |       |
| Dairy products (MPR 289, Am.  | 10672 |
| Dairy products (MPR 289, Am.  | ****  |
| 19)   | 70001 |
| Dump trucks, rental excepted<br>(MPR 165, Am. 25)<br>Ferrous forgings (MPR 351,                     | 10671 |
| Ferrous forgings (MPR. 351.   | 10011 |
| Am 4)   | 10662 |
| Food and beverage specialty   | •     |
| products (Rev. SR 14, Am.   |       |
| 6)Food and drink sold for imme-   | 10667 |
| Food and drink sold for imme-   |       |
| diate consumption; Jeffer-  |       |
| son County, Ky. (Restau-<br>rant MPR 3-1, Am. 2)  | 10667 |
| Foods, processed; rationing   |       |
| (RO 13, Am. 49)   | 10665 |
| •   |       |

### CONTENTS\_Continued

| CONTENTS—Continued  |  |
|---|--|
| OFFICE OF PRICE ADMINISTRATION—   |  |
| Continued. Page<br>Fruits and vegetables, fresh   |  |
| (MPR 426, Am. 3) 10673<br>Hawaii; maximum prices:   |  |
| (MPR 373, Corr. to Am. 7) 10666<br>(MPR 373, Am. 8) 10666<br>Heating stoves; rationing (RO    |  |
| Heating stoves; rationing (RO 9, Am. 7) 10667   |  |
| 9, Am. 7) 10667<br>Horsemeat (MPR 367, Am. 3) 10660<br>Lumber:                                |  |
| Logs, west coast (Rev. MPR  |  |
| 161, Am. 6) 10660<br>Northeastern hardwood<br>(MPR 368, Am. 2) 10660                          |  |
| Machines, parts and machinery   |  |
| services (MPR 136, Am. 96) 10662<br>Magnesium and magnesium al-                               |  |
| loy ingot (MPR 314, Am. 3) 10667  |  |
| 3) 10667<br>Meat, fats, fish and cheeses; ra-<br>tioning (RO 16, Am. 5) 10665                 |  |
| Paperboard products (MPR 187,<br>Am. 5) 10656   |  |
| Puerto Rico, Hawaii and Virgin<br>Islands; delegation of au-                                  |  |
| thority to territorial direc-   |  |
| tors (Rev. Gen. Order 32,<br>Am. 6) 10685   |  |
| Regional, state and district of-<br>fice orders:  |  |
| Codfish; Pueblo, Colo 10692<br>Community ceiling prices, list                                 |  |
| of orders filed 10693 Fluid milk:   |  |
| Mt. Vernon, Illinois (2 doc-  |  |
| uments) 10688, 10689<br>New Mexico:   |  |
| Chama, Rio Arriba County 10690 McKinley and Valencia  |  |
| areas 10b90   |  |
| Otero County 10691<br>Horse meat: Denver, Colo 10692  |  |
| Otero County 10691 Horse meat; Denver, Colo 10692 Lumber; Colorado (2 documents) 10689, 10690 |  |
| Solid fuels; Minneapolis-St. Paul, Minn10686  |  |
| Services rendered in negotia-   |  |
| tion of purchase or sale of a<br>commodity (MPR 165, Am.<br>1 to Supp. Service Reg. 7)10670   |  |
| 1 to Supp. Service Reg. 7)10670 Treasury silver (Rev. SR 14.                                  |  |
| Treasury silver (Rev. SR 14,<br>Am. 11) 10674<br>Wire, cable and cable accessories            |  |
| (RPS 82, Am. 4) 10656   |  |
| RURAL ELECTRIFICATION ADMINISTRATION:   |  |
| Allocation of funds for loans (3 documents) 10676, 10677                                      |  |
| SECURITIES AND EXCHANGE COMMISSION:   |  |
|   |  |
| Hearings, etc.: Industrial Gas Corp 10694 New Premier Consolidated Mines Co 10693             |  |
| North American Light & Pow-   |  |
| er Co10695<br>Peoples Light and Power Co.,  |  |
| et al 10696<br>Suburban Gas and Electric  |  |
| Suburban Gas and Electric<br>Co., et al 10694<br>Tri-City Utilities Co., et al 10693          |  |
| TREASURY DEPARTMENT: Foreign funds control; certain   |  |
| transactions. licensed 10656  |  |
| WAR DEPARTMENT: Army recruiting and induction;  |  |
| grade and enlistments 10651   |  |

grade and enlistments..... 10651

### CONTENTS-Continued

| WAR DEPARTMENT—Continued.      | Page  |
|--------------------------------|-------|
| Navigation in U. S. coastal    |       |
| waters: discharge of water     |       |
| ballast                        | 10674 |
| Payment of bills and accounts; |       |
| telegraph or cable service_    | 10651 |
| Procurement of supplies; pro-  |       |
| cedure for authorized pay-     |       |
| roll deductions                | 10653 |
| WAR PRODUCTION BOARD:          |       |
| Suspension orders:             |       |
| Standard Motor Co              | 10656 |
| <b>S</b>                       |       |

has passed his 38th birthday, or within 15 days after termination of such warrant officer service if he is between the ages of 18 and 38. During the present war and such further period as the Secretary of War may prescribe, upon reenlistment in the Regular Army, such enlisted man will be immediately appointed in the Army of the United States to any higher temporary enlisted grade held by him immediately preceding his commissioned or warrant officer service. Such reenlistments will be subject to the conditions prescribed in subparagraph (3) below.

(2) Army of the United States. During the present war and such further period as the Secretary of War may prescribe, any enlisted man in the Army of the United States (other than an enlisted man of the Regular Army) who serves on active duty as a reserve officer of the Army of the United States or who is discharged to accept a commission as an officer or a temporary appointment as a warrant officer in the Army of the United States will be entitled to reenlist in the Army of the United States in the grade held immediately preceding such commissioned or warrant officer service, provided that application for reenlistment is made within 6 months after the termination of such commissioned or warrant officer service if he has attained his 38th birthday or within 15 days after termination of such service if he is between the ages of 18 and 38. Such reenlistments will be subject to the conditions prescribed in subparagraph (3) below.

(3) Conditions governing enlistments under subparagraphs (1) and (2) above. (i) Active service as a commissioned officer or temporary warrant officer terminates honorably.

(ii) Without regard to any physical disqualification incurred, or having its inception, while on active duty in line of duty.

(iii) Without regard to whether or not a vacancy exists in the appropriate enlisted grade.

(iv) All duty as a commissioned or warrant officer in the Army of the United States or any component thereof will be counted as service for all purposes.

(v) A new service record will be opened and the original entry will show reenlisted under the provisions of AR 600-750."

(41 Stat. 765; 10 U.S.C. 42) [Par. 10d AR 600-750, 30 September 1942, as amended by C 7, 16 July 1943]

§ 71.9 Enlistments and reenlistments requiring special authority.

(e) Deserters, discharged other than honorably, etc. Former enlisted men, sailors, marines, and coast guardsmen of the following classes:

(2) Those whose last period of service was terminated by other than honorable discharge.

uscharge

(41 Stat. 765; 10 U.S.C. 42) Par. 13e AR 600-750, 30 September 1942, as amended by C 7, 16 July 1943]

[SEAL]

J. A. ULIO, Major General, The Adjutant General.

[F. R. Doc. 43-12293; Filed, July 29, 1943; 3:55 p. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

PROCEDURE, AUTHORIZED PAYROLL DEDUCTIONS

In § 81.908, paragraph (i) (2) as published in the Federal Register 20 July 1943 (8 F.R. 9915) is corrected to read paragraph (e) (5) (ii) as follows:

§ 81.908 Procedure. \* \* \* (e) Authorized payroll deductions.

(5) In accordance with and subject to the standards set forth in paragraph (e) (2) of this section, general permission is hereby granted to make payroll deductions for: \* \*

(ii) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

[SEAL]

J. A. ULIO, Major General, The Adjutant General.

[F. R. Doc. 43-12292; Filed, July 29, 1943; 3:55 p. m.]

### TITLE 14-CIVIL AVIATION

Chapter I—Civil Aeronautics Board [Regulations, Serial No. 279]

Part 60—Air Traffic Rules

AIRCRAFT POSITION LIGHTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of July, 1943.

The following special civil air regulation is made and promulgated to become effective July 21, 1943:

Military aircraft being flown on special missions approved by competent authority and requiring noncompliance with § 60.61 of the Civil Air Regulations shall not be required to show position lights: Provided, That when any portions of such flights are made within airway traffic control areas, the appropriate airway traffic control center of the Administrator shall be notified as to the areas within which the flights are to be conducted, flight altitudes to be used, estimated time of the flights and other pertinent and unclassified information necessary to safeguard operation of

other aircraft. Such notification shall be made prior to departure of the flights or immediately thereafter, depending upon the military urgency existent.

This regulation shall terminate at the end of the war.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMS, Secretary,

[F. R. Doc. 43-12350; Filed, July 30, 1943; 9:59 a. m.]

[Amendment 61-11, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES
APPROACH LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23d day of July 1943.

Effective July 23, 1943, Part 61 of the Civil Air Regulations is amended as follows:

1. By amending § 61.7302 to read as follows:

§ 61.7302 (Unassigned). The subject matter heretofore contained in this section will be found in § 61.752.

2. By adding a new § 61.752 to read as follows:

§ 61.752 Approach limitations. No pilot shall, at any airport, let down below his last approved cruising altitude or continue descent when he has received United States Weather Bureau information that the measured celling is below or the visibility is less than the authorized minimums prescribed in the air carrier operating certificate for landing at that airport.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMES, Secretary.

[F. R. Doc. 43-12349; Filed, July 30, 1943; 9:59 a. m.]

[Regulations, Eerial No. 289]

PART 292—CLASSIFICATIONS AND EXEMPTIONS

### APPLICATIONS FOR EXEMPTIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 29th day of July, 1943.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1 (2), 205 (a) and 416 (b) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates, effective September 1, 1943, the following regulation:

§ 292.4 Applications for exemptions—
(a) Notice of application. Prior to or coincident with the filing of any appli-

cation for exemption from the requirements of Title IV of the Civil Aeronautics Act of 1938, as amended, or any provision thereof, or any rule, regulation, term, condition, or limitation prescribed thereunder, the applicant, unless otherwise authorized by the Board, shall cause a notice of such filing to be served by personal service or registered mail upon all parsons who may have an interest in the subject-matter of the application. In case of any application which proposes the furnishing or discontinuance of air transportation to or from any point, the following persons shall be presumed to have an interest in the subject-matter of the applica-

 Any scheduled air carrier which regularly renders service to any point in-

volved in the application,

(2) Any person whose application for a certificate of public convenience and necessity authorizing regular service to or from any such point has been filed with, and has not finally been disposed of by the Board.

of, by the Board,
(3) The chief executive of any State,
Territory or possession of the United
States in which any such point is located,

and

(4) The chief executive of the city, town or other unit of local government at any such point located in the United States or any Territory or possession thereof.

Such notice shall indicate the date upon which the application will be or is being filed and, unless accompanied by a copy of the application, shall contain a brief statement of the relief requested.

(b) Form and contents of application. The application shall be entitled "Application for Exemption Order" and in addition to the specific relief requested, shall contain a list of the persons upon whom notice of the filing thereof was or is being served, and facts relied upon to establish that the enforcement of the matter from which exemption is sought is or would be an undue burden upon the applicant by reason of the limited extent of, or unusual circumstances affecting, the operations of such applicant and is not in the public interest. An executed original and nine copies of such application with a copy of the notice attached to each shall be filed with the Board.

(c) Additional service of notice. Action on the application may be withheld by the Board, in its discretion, pending proof of such additional service of notice by the applicant as the Board may direct.

(d) Emergency application. In the event of an emergency requiring immediate action, an application may be filed by telegraph if it substantially conforms to the requirements hereof as to contents and notice (which notice in such case may be served by telegraph) and states the reasons deemed to necessitate immediate action.

(Sec. 416, 52 Stat. 1004; 49 U.S.C. 496)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMES, Secretary.

[F. R. Doc. 43-12351; Filed, July 30, 1943; 9:59 a. m.]

<sup>&</sup>lt;sup>1</sup>The definition of measured ceiling as revised on June 1, 1943, will be found on page 28–2R, paragraph 2–131 of Circular N of the United States Weather Bureau.

Chapter II-Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 27 of Part 600]

PART 600-DESIGNATION OF CIVIL AIRWAYS

JULY 23, 1943.

Redesignation of civil airways: Amber civil airway No. 7; Red civil airway No. 13. Designation of civil airways: Red civil airway No. 4; Blue civil airway No. 17.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By deleting in § 600.10106 Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine) the following:

the intersection of the center lines of the on course signals of the northeast leg of the Millinocket, Maine, radio range and the southeast leg of the Presque Isle, Maine, radio range.

2. By adding a new section to read as follows:

§ 600.10203 Red civil airway No. 4 (Providence, R. I., to Boston, Mass.). From the intersection of the center lines of the on course signals of the southwest leg of the Boston, Mass., radio range and the west leg of the Providence, R. I., radio range to the intersection of the center lines of the on course signals of the northeast leg of the Hartford, Conn., radio range and the southwest leg of the Boston, Mass., radio range.

3. By amending § 600.10212 Red civil airway No. 13 (Westfield, Mass., to Boston, Mass.) to read as follows:

§ 600.10212 Red civil airway No. 13 (Westfield, Mass., to Hillsgrove, R. I.) From the Westfield, Mass., radio range station, via the intersection of the center lines of the on course signals of the south leg of the Westfield, Mass., radio range and the northwest leg of the Hartford, Conn., radio range; Hartford, Conn., radio range station; and the Providence. R. I., radio range station; to the Theodore Francis Green Airport, Hillsgrove, R. I.

4. By adding a new section to read as follows:

§ 600.10316 Blue civil airway No. 17 (Millinocket, Maine, to Presque Isle. Maine). From the intersection of the center lines of the on course signals of the northeast leg of the Millinocket, Maine, radio range and the northwest leg of the Houlton, Maine, radio range, via the Houlton, Maine, radio range station and the intersection of the center lines of the on course signals of the north leg of the Houlton, Maine, radio range and the southeast leg of the Presque Isle, Maine, radio range to the Presque Isle, Maine, radio range station.

This amendment shall become effective 0001 e. w. t., Aug. 15, 1943.

> C. I. STANTON, Administrator.

[F. R. Doc. 43-12347; Filed, July 30, 1943; 9:34 a. m.1

[Amdt. 42 of Part 601]

PART 601-DESIGNATION OF CERTAIN CONTROL AIRPORTS

JULY 23, 1943.

Redesignation of airway traffic control areas: Red civil airway No. 13. Designation of airway traffic control areas: Red civil airway No. 4; Blue civil airway No. 17. Redesignation of radio fixes: Green civil airways Nos. 4, 6; Amber civil airways Nos. 4, 5; Red civil airway No. 13; Blue civil airway No. 22. Designation of radio fixes: Red civil airway No. 4; Blue civil airway No. 17.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 of the Civil Aeronautics Board, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By adding a new section to read as follows:

§ 601.10204 Red civil airway No. 4, airway traffic control areas (Providence, R. I., to Boston, Mass.), All of Red civil airway No. 4.

2. By striking in § 601.10213 Red civil. airwy No. 13, airway traffic control areas (Westfield, Mass., to Boston, Mass.) the following portion of the caption: "Boston. Mass." and substituting in lieu thereof the following: "Hillsgrove, R. I."

3. By adding a new section to read as follows:

§ 601.10317 Blue civil airway No. 17 airway traffic control areas (Millinocket, Maine, to Presque Isle, Maine). All of Blue civil airway No. 17.

4. By inserting in § 601.4004 Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.) after the words: "Columbia, Mo., radio range station;" the following:

the St. Peters, Mo., fan type radio marker station or the intersection of the center lines of the on course signals of the southwest leg of the Springfield, Mo., radio range and the west leg of the St. Louis, Mo., radio range:

and also inserting after the words: "St. Louis, Mo., radio range station;" the following:

the intersection of the center lines of the on course signals of the east leg of the St. Louis, Mo., radio range and the northwest let of the Scott Field, Ill., radio range.

5. By striking in § 601.4006 Green civil airway No. 6 (Alice, Tex., to Richmond, Va.) the following portion of the caption: "Richmond, Va." and substituting in lieu thereof the following: "Norfolk, Va."

6. By inserting in § 601.4014 Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.) after the words: "St. Joseph, Mo., radio range station;" the following:

the Glenwood, Iowa, fan type radio marker station or the intersection of the center lines of the on course signals of the east leg of the Lincoln, Nebr., radio range and the south leg of the Omaha, Nebr., radio range.

7. By inserting in § 601.4015 Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wisc.) after the words: " vance, Mo., radio range station;" the following:

the intersection of the center lines of the on course signals of the south leg of the St. Louis, Mo., radio range and the southwest leg of the Scott Field, Ill., radio range.

8. By adding a new section to read as follows:

§ 601,40204 Red civil airway No. 4 (Providence, R. I., to Boston, Mass.). The intersection of the center lines of the on course signals of the southwest leg of the Boston, Mass., radio range and the west leg of the Providence, R. I., radio

9. By striking in § 601.40213 Red civil airway No. 13 (Westfield, Mass., to Boston, Mass.) the following portion of the caption: "Boston, Mass." and substituting in lieu thereof the following: "Hillsgrove, R. I."

10. By adding a new section to read as follows:

§ 601.40317 Blue civil airway No. 17 (Millinocket, Maine, to Presque Isle, Maine). The intersection of the center lines of the on course signals of the northeast leg of the Millinocket, Maine, radio range and the northwest leg of the Houlton, Maine, radio range, Houlton, Maine, radio range station.

11. By striking in § 601,40322 Blue civil airway No. 22 (Wichita, Kans., to Tulsa, Okla.) the following: "No radio fix designation." and substituting in lieu thereof the following:

the intersection of the center lines of the on course signals of the northwest leg of the Tulsa, Okla., radio range and the southeast leg of the Wichita, Kans., radio range.

This amendment shall become effective 0001 e. w. t., August 15, 1943.

> C. I. STANTON. Administrator.

[F. R. Doc. 43-12348; Filed, July 30, 1943; 9:34 a. m.]

## TITLE 30-MINERAL RESOURCES

Chapter III—Bituminous Coal Division [Docket No. A-2076]

PART 321-MINIMUM PRICE SCHEDULE, DISTRICT No. 1

### ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 1 for the establishment of price classifications and minimum prices and for other relief for the coals of certain mines in District No. 1.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines, and for changes in the shipping points of certain mines in Dis-

trict No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the aboveentitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 321.24 (General prices) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division on or before

August 7, 1843, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final on August 10, 1943, unless it shall otherwise be ordered.

Dated: July 22, 1943.

[SEAL]

Dan H. Wheeler, Director.

### Temporary and Conditionally Final Efficieve Minimum Prices for District No. 1

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

### FOR ALL SHIPLIENTS EXCEPT TRUCK

### § 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway leading facilities chewing price classificated by size group numbers]

|                      | <u> </u>  |  |                              |                 |   |                    |                                  |            |     |             |            |                 |
|----------------------|---|--|------------------------------|-----------------|---|--------------------|----------------------------------|------------|-----|-------------|------------|-----------------|
| Mine<br>index<br>No. | Code member .   | Mine name  | Sab-<br>dis-<br>trict<br>No. | Scam            | Shipping point                                  | Rallread           | Freight<br>engin<br>encop<br>No. | 1          | 2   | 3           | 4          | δ               |
| 2011                 | Cataract Coal Company (Wil-<br>liam R. Gould).  | Catarect   | 9                            | D               | Coterest, Po                                    | NYC                | 44                               | (f)        | m   | D           | (f)        | Œ               |
| 1373                 | Fleegle, Irvin  | Holl   | 23                           | C′              | Arrow Celliary #5 & 6 (Caimbireok)* Pa.         | PRR.               | 40                               | D          | D   | D           | D          | D               |
| 4047                 | Freas-Rinn Coal Co. (E. M.  | Freas-Rinn                                       | 11                           | E               | Dayton, Pa                                      | B&0                | 112                              | (†)        | (f) | G           | (f)        | Ð               |
| 224                  | Freas).<br>Gulbranson, Inc., W. O   | Imperial No. 2                                   | 13                           | В               | Imperial Collieries 12 & 3<br>(Houtzdale) Pa. 1 | PRR                | 45                               | E          | E   | E           | E          | E               |
| 225                  | Gulbranson, Inc., W. O  | Imperial No. 3                                   | 13                           | O               |   | PRR                | 45                               | E          | E   | E           | E          | E               |
| 3693                 | Gulbranson, Inc., W. O  | Imperial No. 6                                   | 13                           | D               | Imperial Collicries #2 & 3<br>(Heutzdale) Pa.   | PRR                | భ                                | Œ          | D   | Ð           | σ          | ם               |
| 3694                 | Gulbranson, Inc., W. O  | Imperial No. 5                                   | 13                           | A               | Imperial Cellipries 52 & 3<br>(Heutzdale) Pa.1  | PRR                | 45                               | H          | H   | H           | Ħ          | Ħ               |
| 3695                 | Gulbranson, Inc., W. O  | Imperial No. 7                                   | 13                           | C'              | Imperial Collinies & & 3<br>(Heutzdale) Pa.     | PRR                | 45                               | E          | E   | E           | E          | E               |
| 1194<br>2659         | Hill Bros. (Coal) (W. D. Hill).<br>Hummel, George & Anna M.                             | Hav  | 41                           | O<br>Pittsburgh | Osceria Mills, Pa                               | 12.71              | 102                              | (f)<br>(f) | 8   | Ç<br>G      | B          | 8               |
| 4067<br>4063<br>3112 | (George Hummel). Lorenzo, F. A. (Dr.) Lorenzo, F. A. (Dr.) Mitchell, Ambrose (Pine Val- | Lorenzo #2<br>Lorenzo #3<br>Pine Valley Coal Co. | 1 11                         | E<br>E<br>B     | Yaicerero, Pa                                   | B&O<br>B&O<br>P&AN | 112<br>112<br>113                | EEE        | 933 | F<br>G<br>H | 669        | <del>(33)</del> |
| 1803<br>945          | ley Coal Co.).  Morrison, Herman J  New York Central Railroad  Company, The co W. C.    | Morrison<br>Berr                                 | 5<br>15                      | E               | Beechten, Pa<br>Dixenville, Pa                  | PAS.<br>CTAD       | 113                              | (t)<br>T   | (H) | G<br>F      | (f)<br>F   | φ               |
| 354                  |   | O'Shell #1                                       | 20                           | В               | Jaresville, Pat                                 | PRE                | 45                               | (f)        | Ð   | С           | (f)        | O.              |
| 4057                 | O'Shell).<br>Prushnok, J. P. (The Arcadia   | Coalmer Stripping #1_                            | 12                           | D               | Heaverburst, Fo                                 | NYO                | 44                               | G.         | G   | G           | G          | G               |
| 988<br>4071          | Company). Sotok & Camptell Sotok & Campbell   | Sotok & Campbell(s)_<br>Sotok & Campbell #2_     | 8<br>8                       | D               | Muncen, Pat<br>Muncen, Pa                       | NYC                | 44<br>41                         | <b>(f)</b> | 8   | e           | (f)<br>(f) | 6               |

<sup>†</sup>Indicates no classifications effective for these size groups. ¹Indicates change in Shipping Point.

Note.—The above prices are applicable only via the respective Freight Origin Groups, Shipping Points and Railroads abown for the respective mines. Freight Origin Groups, Shipping Points and Railroads previously assigned to them mines are no langer applicable.

### FOR TRUCK SHIPLIENTS

### § 321.24 General prices—Supplement T

[Prices in cents per net ten for chipment into all market areas]

| Code member index   | Mine<br>index<br>No.  | Mine   | Enb-<br>dis-<br>tret<br>No.                 | County | Scam | Alliamp<br>coal<br>deable<br>coroned,<br>top size<br>2' and<br>over | Dauble<br>careened,<br>top size | Emof<br>mice<br>modi-<br>fied<br>E/M                               | 2" and<br>under<br>shok | M" and<br>under<br>slack               |
|---|---|--|---|--------|------|---|---------------------------------|--|-------------------------|--|
| Chamberlain Bros Coppola, Carmini Vincinzo Freas-Rium Coal Co. (E. M. Freas) Lorenzo, F. A. (Dr.) Lorenzo, F. A. (Dr.) New York Central Railroad Company, Tha c/o W. C. Bower. Prushnok, J. P. (The Arcadia Company) Reese, Philip Sotok & Campbell | 3595<br>4046<br>4047<br>4067<br>4063<br>945<br>4057<br>4070<br>4071 | Chamberlain & Lower Freeport. Frees-Rinn Lowers & Lorento & Lorent | 23<br>41<br>11<br>10<br>11<br>15<br>12<br>8 |        | E    | Research sea  | 983888 <b>£</b> 83              | 210<br>240<br>240<br>240<br>240<br>240<br>240<br>240<br>240<br>240 | NECEPS CEE              | (f)<br>(f)<br>(f)<br>(f)<br>(f)<br>(f) |

†Indicates no prices effective for these size groups.

# TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I-Monetary Offices, Department of the Treasury

[General License 87]

PART 131—GENERAL LICENSES UNDER EX-ECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

TRANSACTIONS LICENSED UNDER SECTION 2A
(2) OF THE ORDER

JULY 19, 1943.

General License No. 87 under Executive Order No. 8389, as amended, Executive Order No. 9193, section 5 (b) of the Trading With the Enemy Act, as amended by the First War Powers Act, 1941, relating to Foreign Funds Control.

§ 131.87 General License 87—(a) Transactions licensed under section 2A (2) of the order. A general license is hereby granted under section 2A. (2) of the order authorizing the acquisition by, or transfer to, any person within the United States of any interest in:

- (1) Securities or evidences thereof physically situated in Great Britain, Canada, Newfoundland, or Bermuda;
- (2) Securities or evidences thereof issued in any other member of the generally licensed trade area, which are physically situated in, and payable solely in the currency of, the country where issued, except securities or evidences thereof issued by a person engaged in the business of offering, buying, selling, or otherwise dealing or trading in securities or evidences thereof issued by another person.
- (b) *Definitions*. The term "member" of the generally licensed trade area shall have the meaning prescribed in General License No. 53, as amended.
- (c) Transactions not authorized. This general license shall not be deemed to authorize any transaction prohibited by any provision (or ruling or regulation thereunder) of the order other than section 2A (2).

(Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong., 55 Stat. 838, E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] RANDOLPH E. PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-12358; Filed, July 30, 1948; 11:14 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B-Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 1010—Suspension Orders [Suspension Order S-871]

STANDARD MOTOR COMPANY

Standard Motor Company, 1300 Glenarm Street, Denver, Colorado, is a partnership composed of Sol L. Gertz and Nathan Gertz. Since 1931 it has been engaged in Denver, Colorado, in the business of selling automotive trucks as a dealer or sales agent. On or about July 22, 1942, it sold and delivered to Ready Mixed Concrete Company three new 1½-ton trucks for the aggregate price and for the value of \$5,841.32 without obtaining the proper certificate of transfer or government exemption permit as provided for and required by Conservation Order M-100. This sale constituted a wilful and significant violation of Conservation Order M-100, with which Sol L. Gertz and Nathan Gertz were familiar.

This, violation of Conservation Order M-100 has hampered and impeded the war effort of the United States. In view of the foregoing facts, It is hereby ordered, That,

§ 1010.371 Suspension Order S-371.

(a) Sol L. Gertz and Nathan Gertz, doing business as Standard Motor Company, or otherwise, their successors and assigns, shall not purchase, sell, deal in, deliver, or otherwise transfer any new commercial motor vehicles as defined in Conservation Order M-100, or any component part thereof, except with the written approval of the Regional Director of the Denver Regional Office of the War Production Board. Authority is hereby delegated to said Regional Director to pass upon applications of the respondent for exceptions to this order.

(b) Nothing contained in this order shall be deemed to relieve Sol L. Gertz and Nathan Gertz, doing business as Standard Motor Company, their successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 30, 1943, and shall expire on September 30, 1943, at which time the re-

strictions contained in this order shall be of no further effect.

Issued this 23d day of July 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-12355; Filed, July 30, 1943; 11;10 a. m.]

Chapter XI-Office of Price Administration

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PROD-UCTS, PRINTING AND PUBLISHING

[MPR 187,1 Amdt. 5]

CERTAIN PAPERBOARD PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

The effective date provision of Amendment 3 to Maximum Price Regulation No. 187 is amended to read as follows:

This amendment shall become effective April 1, 1943 and remain in effect until October 1, 1943. The Price Administrator may at any time, amend, replace, extend or make permanent such amendment.

This amendment shall become effective August 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-12320; Filed, July 29, 1943; 4:50 p. m.]

PART 1349—ELECTRICAL, GENERATION, TRANSMISSION, CONVERSION AND DISTRI-BUTION APPARATUS

[RPS 82, Amdt. 4]

WIRE, CABLE AND CABLE ACCESSORIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Price Schedule 82 is amended in the following respects:

- 1. Section 1349.1 (g) is revoked.
- 2. Section 1349.1a is added to read as follows:

§ 1349.1a Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, except in accordance with § 1349.10a in the case of an application for adjustment and unless authorized by the Office of Price Administration in the case of a petition for amendment, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization, in the case of a petition for amendment, may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to pro-

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>7 F.R. 5780, 8948, 9323, 10618; 8 F.R. 4180, 7281.

<sup>\*7</sup> F.R. 1358, 2193, 7034, 8948; 8 F.R. 5810.

mote distribution or production and if it will not interefere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Price Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

3. Section 1349.10a is added to read as follows:

§ 1349.10a Adjustments—(a) Application by a seller of wire, cable or cable accessories—(1) Who may receive an adjustment. The maximum price for wire, cable or cable accessories established by this regulation may be adjusted only in the case of an essential supplier of an essential commodity. An "essential commodity" is one which contributes \_to the effective prosecution of the war. An "essential supplier" is one whose output or supply cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into or proposes to enter into a war contract (as defined in subparagraph (5)) or a subcontract thereunder is an essential supplier of an essential item of wire, cable or cable accessories.

(2) When adjustment may be granted—(i) In general. The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential supplier of an essential commodity upon the basis of information submitted by the supplier or of other information. It may make that adjustment whenever it finds that the maximum price of an item of wire, cable or cable accessories is at such a level that (taking into account the cost thereof, the profits position of the supplier and the nature of his business) production or supply of the commodity is impeded or threatened.

(ii) Factors which may be considered. The following factors are relevant to the consideration of the adjustment:

(a) Whether, and by what amount, the maximum price is below or above (1) the total unit costs less selling and administrative expenses properly allocable to the internal management of the business in the case of a manufacturer and (2) the current price being charged the seller in the case of a seller other than a manufacturer.

(b) Whether, and by what amount, the maximum price is above total unit costs.

(c) Whether, and by what amount, the seller's current over-all profits before income and excess profits taxes are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the seller, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(d) Whether the proposed price is higher than the price prevailing in the industry.

(e) Whether the seller's sales of the commodity represent only a very small part of his total sales.

(f) Whether the seller previously sold the same type of commodity at a price which was below its total unit costs.

(3) How the seller proceeds in applying for an adjustment—(i) In general. An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1 and shall be made on a copy of Form OPA 694:395, set out in Appendix E, incorporated as § 1349.21 of this regulation. Copies of the amendment which contains this form and of the instructions for completing it may be obtained from any district, state or regional office of the Office of Price Administration. If the seller's total sales in the calendar year 1942, or in the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales during that period did not exceed \$500,-000, the application shall be filed with the nearest regional office of the Office of Price Administration.

(ii) Application based on proposed wage or salary increase to be authorized by the National War Labor Board. A seller who believes that the conditions for an adjustment set forth in this paragraph (a), would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28, which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dis-

(4) Prices for deliveries made pending disposition of the application. A seller who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the seller wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A seller who wishes to enter into such an arrangement must specifically state to the buyer the following:

 The maximum price for the commodity.

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration; and

(iii) The fact that the specific price quoted by the seller is subject to the

approval of the Office of Price Administration.

(5) Definitions—(i) Normal base period. The term "normal base period" means the period 1936-1939. If the seller shall demonstrate to the satisfaction of the Office of Price Administration either (a) that his entire industry was operating during the greater part of such period at an unusually depressed level or (b) that because of unusual conditions prevailing during that period, the seller was operating during that period at an unusually depressed level in comparison to other sellers in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period", such other pariod may be considered. The mere fact that the rate of production or supply has increased since 1936-1939 will not be deemed evidence that the seller was operating at an "unusually depressed level" during that period. If the seller was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) Over-all profits. The term "overall profits" means net profit resulting from the operation of all divisions of the seller, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) Subcontract. The term "subcontract" means any purchase, order or agreement to parform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) Total unit costs. (a) In the case of a manufacturer, the term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience. properly allocable to the production of the commodity, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(b) In the case of a seller, other than a manufacturer, "total unit costs" means the current price the seller is paying for the commodity plus the handling and administrative expense, normally applicable to the handling of the commodity, properly allocable to the seller's total cost of doing business, but does not include provisions for income or excess profits taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of administrative and other expenses is based on a representative period of continuous, normal production.

(v) War contract. The term "war contract" means any contract with the United States, or any agency thereof, or

with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of a commodity purchased (a) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (b) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (c) for use in the production or manufacture of any commodity described in (a) or (b).

(b) Application by a seller based upon an appropriate decrease of other prices—
(1) Who may receive an adjustment. Adjustments under this paragraph (b) will be granted only to an essential supplier of an essential commodity. The meaning of these terms is explained in paragraph (a) (1) of this section.

- (2) When adjustment may be granted. The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the seller agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (b) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.
- (3) What an application under this paragraph must show. An application for price adjustment under this paragraph (b) shall contain information indicating that the applicant is an essential supplier of an essential commodity. and that if the proposed adjustment is granted, the gross dollar amount of sales of the commodities affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.
- (4) How the seller proceeds in applying for an adjustment. An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No. 1. If the seller's total sales of all commodities for the calendar year 1942, or for the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all commodities during that period did not exceed \$500,000, the application shall be filed with the regional office of the Of-Fice of Price Administration located in

the same region in which the seller's business is located.

(c) Application by a seller under a combination of both paragraphs (a) and (b). A seller who desires to apply for an adjustment under paragraph (b) may, at the time he applies under that paragraph, also apply under paragraph (a), if the facts of his case entitle him to do so. In such cases, the office considering his application will give the adjustment available under paragraph (a) before applying paragraph (b).

(d) No application for adjustment filed under Procedural Regulation No. 6 after August 4, 1943, with respect to commodities covered by this regulation will be granted.

4. Section 1349.21 is added to read as follows:

§ 1349.21 Appendix E: Form for application for adjustment—(a) Form.

United States of America Office of Price Administration Washington, D. C.

Form OPA 694:395

Form Approved Budget Bureau No. 08-R555

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES UNDER REVISED PRICE SCHEDULE 82

Company Name \_\_\_\_\_Address \_\_\_\_\_(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

#### SCHEDULE A

- 1. General description of the company's business.
- Designate and describe the commodity or commodities for which a price increase is requested.
- 3. Present the following information for each commodity listed in 2 above:

(Nore: If more than one commodity is being reported, present the required information on another sheet.)

- (a) Dollar volume of unfilled orders \$\_\_\_\_\_ (b) Unit volume of unfilled orders (Indicate unit used) \_\_\_\_\_
- 4. Present evidence that the company is an essential supplier of an essential commodity.

(Note: If more than one commodity is being reported, present the required information on another sheet.) (a) For each commodity designated in Item 2 above, fill in the following if you have entered into, or propose to enter into, a war contract or subcontract for the sale of that product.

(1) Identification of contract \_\_\_\_\_\_\_(2) Name of purchaser \_\_\_\_\_\_(3) Address of purchaser \_\_\_\_\_\_\_\_(Street)

(City) (State)

(b) Present any other information which demonstrates that the seller is an essential supplier of an essential commodity.

(Note: The terms "war contract", "subcontract", "essential supplier" and "essential commodity" are defined in the adjustment provisions under which this report is filed (Section 1349.10a of Revised Price Schedule 82)).

5. Are similar commodities manufactured or sold by competitors?

(yes or no)

If yes, give names and addresses of competitors and their prices for such commodities.

#### SCHEDULE B

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(Note: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses, the total amount of officers' salaries and bonuses, and the number of officers.)

2. Financial data 1936-1940.

(Note: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table:

|  | 1936 | 1937 | 1933 | 1939      | 1940      |
|--|------|------|------|-----------|-----------|
| Net sales  |      |      |      |           |           |
| Net sales Cost of goods sold Gross profit Administrative expense. Selling expenses. Net operating profit Other income less other expenses. Debt (except current) at end of year. Net worth at end of year. |      |      |      |           | ********* |
| Selling expenses.  Net operating profit.   |      |      |      | 404440044 | ********* |
| Other income less other expenses.  Debt (except current) at end of year.  Not worth at and of year   |      |      |      | ********  | ********  |
| Total assets.  |      |      |      |           | ********  |

If no, state exceptions.

|   |   | FEDE   | D A                  | тъг  | ATOMT  | 7 C   |
|---|---|--|----------------------|--|--|---|
| Unit price and unit cost Designation of the comm Note: If more than on involved, prepare and file on this schedule for each you consider necessary to con understanding of the situa rise to this application.  1. Price data: (a) Net realized price:  | tinform<br>odity<br>e comm<br>separate<br>commod<br>avey an a | ation  addity is reports lity that adequate  | no                   |  | dysis of<br>i:<br>(Numb  | eales (   |
| (List) (Gross) price  | Celling<br>price<br>194_                                      | Request-<br>ed price                         | Hannana<br>Hannanana | des not cut<br>des subjec<br>des subjec<br>des subjec<br>des subjec  | to commit<br>to commit<br>ofer to com<br>to direct<br>to direct<br>to direct<br>to direct<br>bject to dir<br>faboveder | ntcf<br>ntef<br>ntef<br>ntef                                  |
| (c) Total sales for the c   | ibove de  | esignated 1                                  | tem                  | only:<br>1940  | 1041   | 1042  |
| Total unit volume of sales.  Total dollar volume of sales (net).  (d) Is the price currently product the same as the maxwith OPA?  (Yes or No)  (If answer is "No", state creased price was first charged the same as the maxwith oparate of the maxwith oparate is an established or a formula price.  Price used since.  (Monti)  (f) State on a separate of the need of the request 2. Unit cost data: | charged thum p e date ved.) Da e curren price (Ch.            | when inte:  nt maxi- eck one), 194 e reasons | in co                | Subscrii Subscrii Gicer Ade Subscrii Gicer Ade Subscrii Gicer Ade Subscrii Gicer Ade Subscrii | data:  | sworn  sworn  ing Oat  THE 1  and Forest                      |
| (a) Direct material (b) Direct labor (c) Factory overhead (d) Selling expense (donotine)ude discounts and commissions   | Ceiling date costs 194  | date<br>costs                                | p<br>a<br>N          | (a) 1. Please the rice or a hat does (b) Use rior to the adequate the  | (List) (Cindicate gross pri not apple a sufficient date ato under period it esion rat                                  | whethice by o<br>ly.<br>iclent<br>of the<br>rotand<br>n the o |

|   | Ceiling<br>date<br>costs<br>194 | Current<br>date<br>costs<br>194 |
|---|---------------------------------|---------------------------------|
| (a) Direct material (b) Direct labor (c) Factory overhead (d) Selling expense (do not include discounts and commissions deducted under Price Data |                                 |                                 |
| above above expense. (f) Freight out, if any (g) Installation expense, if any (b) Other expense, specify (l) Total cost per unit                  |                                 |                                 |

(j) What method is used in allocating factory overhead?

1. Standard ☐ Actual ☐ Other ☐ (Check

2. Direct labor cost ☐ Direct labor hours ☐ Machine hours ☐ Other ☐

(Explain separately if "other" or combi-

| ation.)             |             |
|---------------------|-------------|
|                     | (Applicant) |
| Ву                  |             |
|                     | *****       |
| Affidavit           |             |
| tate of             |             |
| tate of<br>ounty of | ss s        |
| The undersigne      | d           |

being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adis of the above decig-

month pof months) ..., 1843. and day)

|  | •   |   |
|--|---|---|
| •  | Percentage<br>amount of<br>commission<br>or disseunts | Dellar<br>value et<br>calca etter<br>dirxunts |
| Eales subject to committee of fales subject to committee of fales not subject to committee of fales subject to discunt of fales not subject not subjec | (C)               | w   |

has read the came and owledge that the facts true and correct.

months ending

(Signature) orn to before me this

Dath

E USE OF ADJUSTMENT FOR WINE, CABLE, AND

"Unit Price and Cost ct to the following ex-

o) Price:

ther the price is a list y crossing out the term

t number of months the application to give nding of the cituation. a allotted epace and fill r discounts.

In presenting unit cost data be cure to include only costs actually incurred. In the case of a seller other than a manufacturer submit information only on the applicable items of cost.

Material cost must represent actual cost. State separately any charges added to costs of materials. In the case of a celler other than a manufacturer direct material means the price at which the celler purchased the

Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply, if pessible.

If the commedity or commedities covered by the application were not manufactured on October 15, 1941, the cost data for these commedities must be computed in accordance with the procedure outlined in the applicable section of the regulation for determining your maximum price. Under items (f), (g) and (h) include only costs borne by the seller and not billed apparately to the buyer.

If any difficulty is experienced in completing this form, it may be taken to the nearest OPA district accountant, who will give his

assistance in its preparation.

This amendment shall become effective August 4, 1943.

Nom: All report and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 29th day of July 1943.

PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-12396; Filed, July 29, 1943; 4:45 p. m.]

PART 1351-FOOD AND FOOD PRODUCTS [MPR 235, Amdt. 3]

ILIFORTED FRESH BANANAS, SALES EXCEPT AT EETAIL.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith. has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 285 is amended in the following respects:

- 1. Paragraph (f) is added to § 1351 .-1253 to read as follows:
- (f) For banana wholesalers located within the metropolitan area or city limits of New York City, the maximum price shall be the result of the following computation:
- (1) The "delivered price" in New York .City plus;
- (2) The applicable markup as set forth in § 1351.1267 plus;
  - (3) 30¢ per cwt.
- 2. Subparagraph (7) is added to paragraph (a) of § 1351.1264 to read as follows:
- (7) "Charges for messenger service" shall include only the actual cost of messenger service incurred by the seller and shall not exceed the maximum price established for such service by the provisions of Maximum Price Regulation No. 165,2 as amended.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4631)

Issued this 29th day of July 1943.

PRENTISS M. BROWN. Administrator.

[F. R. Doc. 43-12307; Filed, July 29, 1943; 4:42 p. m.]

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>\*8</sup> F.R. 3050.

<sup>&</sup>lt;sup>2</sup>7 P.R. 6423, 6366, 6239, 8431, 8793, 8943, 6948, 9197, 9342, 9343, 9785, 8971, 9372, 10460, 10519, 10718, 10,010; 8 F.R. 1060, 3324, 4782, 5631, 5755, 5755, 5933, 6364, 8506, 8373.

PART 1364-FRESH, CURED AND CANNED MEAT AND FISH

[MPR 367,1 Amdt. 3]

### HORSEMEAT

A statement of the considerations involved in the issuance of this Amendment No. 3 to Maximum Price Regulation No. 367, Horsemeat, has been issued simultaneously herewith and filed with the Division of the Federal Register.

Maximum Price Regulation No. 367 is amended in the following respects:

- 1. Section 1 is amended by designating the text thereof as paragraph (a) and adding the following new paragraph (b):
- (b) On and after August 16, 1943, regardless of any contract, agreement or other obligation, no person shall sell or deliver, and no person in the course of trade or business shall buy or receive, any horsemeat item or product containing horsemeat, unless such item or product has been specifically designated in section 6 (b) and a maximum price established therefor. However, this prohibition shall not apply to the sale of any product containing horsemeat if the seller has filed a maximum selling price for such product pursuant to the provisions of Order No. 49 under the General Maximum Price Regulation, relating to sales of pet food, and has complied with the provisions of Food Production Order No. 7, issued by the War Production Board on January 19, 1943, providing a limitation on sales of products for animal consumption.
- 2. The table contained in section 6 (b) is amended by adding items (7), (8), (9), (10), (11), (12), and (13) respectively, to that portion of the table be-low the designation "Slaughterer and Independent Wholesaler" and items (5), (6), (7), (8), (9), (10), and (11) to that portion of the table below the designation "Retailer" as follows:

|   | Insp   | ected .  | Non-In-<br>spected  |   |  |  |
|---|--|--|---|---|--|--|
|   | Zones<br>1 and 3   | Zone 2   | Zones<br>1 and 3  | Zone<br>2   |  |  |
| Elaughterer and independent wholesaler: (7) Brains. (8) Checkmeat. (9) Heart. (10) Livers. (11) Lungs. (12') Melts. (13) Tongues. Retaller: (6) Brains. (6) Checkmeat. (7) Heart. (8) Livers. (10) Melts. (11) Tongues. | .05<br>.03<br>.09<br>.13<br>.02<br>.13<br>.15<br>.22<br>.05<br>.05 | .04<br>.07<br>.08<br>.12<br>.02<br>.12<br>.08<br>.12<br>.13<br>.20 | .04<br>.07<br>.08<br>.11<br>.02<br>.02<br>.11<br>.06<br>.12<br>.13<br>.18 | .03<br>.06<br>.07<br>.10<br>.02<br>.02<br>.10<br>.11<br>.12<br>.16<br>.05 |  |  |

- 3. Section 6 (c) is amended by adding the following new items (iv), (v), (vi) and (vii):
- (iv) Freezing and icing. Where a slaughterer freezes and/or packs horse-

<sup>1</sup>8 F.R. 4918, 5341, 6048.

- meat in ice or dry ice, he may add the actual cost of such freezing and/or icing. Provided, That, the total amount so added shall not exceed 25 cents per hundredweight.
- (v) Barrels or boxes. Where a slaughterer packs horsemeat in wooden barrels or boxes, he may add the actual cost of such packaging, Provided, That, the total amount so added shall not exceed 25 cents per hundredweight.

(vi) Where an independent wholesaler freezes and/or packs horsemeat in ice or dry ice, or where he has paid a slaughterer for freezing and/or icing, he may add the actual cost or charge Provided, That such addition shall not exceed 25

cents per hundredweight.

(vii) Where an independent wholesaler packs horsemeat in wooden barrels or boxes, or where he has paid a slaughterer for packing in wooden barrels or boxes, he may add the actual cost or charge of such packing, Provided, That such addition shall not exceed 25 cents per hundredweight.

- 4. Section 6 (d) is amended to read as follows:
- (d) The provisions of Supplementary Order No. 34, "Packing Expense on Sales to War Procurement Agencies," shall be applicable on sales for export.
- 5. Section 7 (c) is added to read as follows:
- (c) After August 9, 1943, each retailer selling horsemeat must post in his store a list of the retail ceiling prices applicable to his zone as set forth in the table contained in section 6 (b). This list must be reproduced from an official copy of this regulation. The price list shall be printed in letters at least one inch in height and entitled "O. P. A. Ceiling Prices for Horsemeat." It shall be posted in a conspicuous place in the store, such as a counter or a wall where it can easily be seen and read by customers. If any horsemeat is displayed, on a tray or in a showcase, the selling price must be placed upon the horsemeat offered for sale.
- 6. Subparagraphs (2) and (3) of section 13 (a) are amended to read as fol-
- (2) "Horsemeat" means meat derived from the skeletal part of the horse carcass and includes and is limited to edible by-products derived from horse slaughter as set forth in section 6 (b) of this regulation for which maximum prices have been established.
- "Boneless horsemeat" means horsemeat from the skeletal part of the horse carcass, excluding the head, from which all bones have been removed.
- .7. Section 13 (a) (10) is added to read as follows:
- (10) "Applicable base price" means the base price established for the zone area in which is located the point of slaugh-

This Amendment No. 3 shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9350, 7 F.R., 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-12300; Filed, July 29, 1943; 4:36 p. m.]

> PART 1381-SOFTWOOD LUMBER [Rev. MPR 161,1 Amdt. 6]

> > WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation No. 161 is amended in the following re-

spect:

1. Section 1381.153, paragraph (f) is amended by the insertion of an addi- . tional sentence as follows:

In the case of logs produced in Lincoln County, Oregon, north of the Siletz River, and in Tillamook County, Oregon, south of a line running east and west through Hebo, Oregon, however, deliveries may be made to a railhead or in a mill pond in the Columbia River District at the maximum prices of the Southern Oregon-Tillamook District.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.: E.O. 9250, 7 F.R. 7871).

Issued this 29th day of July 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-12321; Filed, July 29, 1943; 4:50 p. m.]

PART 1382—HARDWOOD LUMBER [MPR 368, Amdt. 2] NORTHEASTERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 368 is amended in the following respects:

- 1. The head-note to section 11 is amended to read, "Transportation additions: domestic and imported—"
  - 2. Section 12 is revoked.
- 3. In section 23, the text of the notes under Table 20 is amended by the addition of the following:

Where the item is of a thickness for which no prices are listed in the square edge lumber tables for the same species, for example, 21/4 inches or 21/4 inches, the amount of addition shall be proportioned, according to the thickness of the item, between the amount

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>18</sup> F.R. 1117, 2992, 5678, 6619, 9381. \*8 F.R. 4968, 8541.

of addition for the next lower thickness and the amount of addition for the next greater thickness over the one inch price in the same square edge lumber species and grade.

Example: F. A. S. Hard Maple 2% inch

| Maximum price for 1" F. A. S. Hard    |          |
|---------------------------------------|----------|
| Maple (square edge)                   | \$100.00 |
| Maximum price for 21/2" F. A. S. Hard | •        |
| Maple (square edge)                   | 130.00   |
| Maximum price for 3" F. A. S. Hard    | -        |
| Maple (square edge)                   | 140.00   |
| Addition for 21/2" stock              | 30.00    |
| Addition for 3" stock                 | 40.00    |
| Proportionate addition for 2%4"       |          |
| stock                                 | 35.00    |

4. Section 34 is amended to read as follows:

SEC. 34. Maximum prices for Canadian lumber—(a) Maximum f. o. b. mill price. The maximum f. o. b. mill price for 1000 feet of Northeastern hardwood lumber produced in Canada east of the 85th meridian, and shipped to the United States, shall be the maximum price established in section 23 (Appendix A) minus \$3.50.

(b) Import taxes and duties. Import taxes and duties may be added to the maximum f. o. b. mill prices.

(c) Additions and adjustments. The provisions of sections 24 to 28, inclusive, relating to additions for kiln drying, mill working, and anti-stain treatment, and NHLA inspection, and adjustment for green lumber, are applicable to this section.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-12319; Filed, July 29, 1943; 4:48 p. m.]

PART 1389—APPAREL [MPR 385, Amdt. 2]

### SPECIFIED MILITARY UNIFORMS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 385 is amended in the following respects:

1. Section 1 (a) is amended to read as follows:

Sec. 1. Scope of this regulation.—(a) What uniforms are covered. This regulation fixes maximum prices for sales at retail, sales at wholesale, and sales by manufacturers of certain ready-made summer uniforms for United States military officers and officers of other services. Only men's uniforms on the following list which are made of a principal fabric of cotton, rayon, mohair, a combination of these fibers, or of these principal fibers in combination with other fibers are covered by this regulation:

United States Army Officers' khaki summer uniforms

United States Army Officers' white summer uniforms

United States Navy Commissioned and Warrant Officers' and Chief Petty Officers' Ehakl summer working uniforms

United States Navy Commissioned and Warrant Officers' and Chief Petty Officers' grey summer working uniforms

United States Navy Commissioned and Warrant Officers' white cervice uniforms

United States Navy Chief Petty Officers' white double-breasted uniforms

United States Navy Commissioned and Warrant Officers' blue double-breasted cervice uniforms, labeled "Palm Beach"

United States Marine Officers' khaki cummer service uniforms

United States Marine Officers' white dress uniforms.

Separate pants are covered by this regulation only if manufactured by persons who regularly manufactured full suits of military uniforms at the date this regulation became effective. Persons who began regularly to manufacture full suits of military uniforms after the effective date of this regulation must send written notice to the Office of Price Administration, Washington, D. C. that they are regularly in the business of manufacturing full suits of military uniforms before they are permitted to deliver separate pants priced under this regulation.

2. Section 2 (a) is amended to read as follows:

Sec. 2. Ceiling prices for cales at retail—(a) Prices. Ceiling prices for sales at retail other than sales by manufacturing-retailers of the uniforms listed in section 1 (a) are prices equal to 150% of net invoice cost. In no event may these prices exceed 150% of the manufacturers' prices listed in Table I in Appendix A. In cases where the retailer has paid less for the uniforms than the manufacturers' maximum price listed in Table I in Appendix A, the retail ceiling price

must be no more than 150% of these lower net costs. However, the ceiling price for sales at retail of uniforms labeled "Palm Beach", on which the manufacturer has already established retail resale price of \$19.95 per uniform, including regulation buttons, shall be \$19.95 for the suit, \$14.65 for the coat alone and \$5.30 for the pants alone. "Net invoice cost" means the price on the face of the invoice less all discounts available to the retailer but not including transportation costs. Ceiling prices for sales at retail by manufacturing-retailers shall be prices equal to 140% of the maximum prices indicated in Table I, Appendix A, for manufacturers and wholesalers. The ceiling prices include alterations of pants waistband and of pants and sleeve bottoms.

3. Section 7 is amended to read as follows:

Sec. 7. Specifications of uniforms. Army uniforms covered by section 1 (a) of this regulation must be manufactured in accordance with "Army Regulations 600-35" as changed or amended to April 1, 1943.

Navy uniforms covered by section 1 (a) of this regulation must be manufactured in accordance with "Uniform Regulations, United States Navy, 1941", as amended to July 1, 1943.

Marine Corps uniforms covered by section 1 (a) of this regulation must be manufactured in accordance with "Uniform Regulations, U. S. Marine Corps, 1937" as amended, or changed to April 1, 1943.

Uniforms covered by section 1 (a) which do not meet the specifications set forth in this section, shall be priced in accordance with the provisions of section 5.

- 4. The numerals "152" in the last sentence of paragraph (a) of section 14 are corrected to read "142".
- 5. Section 15 (a) is amended to read as follows:
- (a) This regulation applies to the continental United States, the District of Columbia, and to sales at retail (including sales at retail by manufacturing retailers) in the territory of Hawaii. In the territory of Hawaii ceiling prices for sales at retail (including sales at retail by manufacturing-retailers) shall be the prices specified in this regulation increased by an amount equal to 5% of the prices specified in Table I, Appendix A.
- 6. Appendix A is amended to read as follows:

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>8 F.R. 6114, 8 F.R. 8009.

Appendix A: Maximum Prices for Sales at Wholesale and by Manufacturers

TABLE I

[Schedule of maximum prices for sales at wholesale and sales by manufacturers of uniforms listed in Section 1 (a).

Prices are f. o. b. point of shipment. Terms are net 30 days or net 10 days E. O. M.]

| Uniform type  | gal<br>duc<br>ply c<br>8 oz.<br>pe<br>Sa | tton to<br>parding<br>k. Si<br>arded<br>or he<br>er sq. y<br>nforize<br>ax. prie | or<br>ngle<br>yarn,<br>avier<br>d. | 106<br>warp<br>carde<br>or he<br>for<br>M | tton tv<br>x 56 2<br>and f<br>d yarn<br>eavier<br>rized a<br>ercerize | ply<br>illing<br>8 oz.<br>San-<br>nd<br>ed. | gaba<br>wa<br>comb<br>or he<br>yard | on tw<br>rdine :<br>arp filli<br>ed yar:<br>avier p<br>Sanfoi | 2 ply<br>ng<br>n 8 oz.<br>er sq.<br>rized. | cloth<br>Price<br>re<br>l  | lm Bes, so lales to inceptions | beled.<br>cludo:<br>on<br>5. |
|---|--|--|------------------------------------|---|---|---|-------------------------------------|---|--|----------------------------|--------------------------------|------------------------------|
|   | Suit                                     | Coat   | Pants                              | Suit                                      | Coat  | Pants                                       | Suit                                | Coat  | Pants                                      | Suit                       | Coat                           | Pants                        |
| Army Officers' Khaki summer uniform.  Army Officers' white summer uniform.  Navy Commissioned and Warrant Officers' & C. P. O. khaki summer working uniform.  Navy Commissioned and Warrant Officers' & C. P. O. grey summer working uniform.  Navy Commissioned and Warrant Officers' white service uniform.  Navy Commissioned and Warrant Officers' white service uniform.  Navy Commissioned and Warrant Officers' blue D. B. uniform.  Marine Officers' khaki summer service uniform.  Marine Officers' white dress uniform. | \$7.00<br>6.50                           | ,  | l .                                | 1 '                                       | \$5. 50<br>5. 00  | l '   |                                     | 7. 50<br>7. 00<br>7. 00<br>5. 75<br>5. 25<br>7. 50            | 3. 25<br>3. 25<br>3. 25<br>3. 25<br>3. 25  | 13. 72<br>13. 72<br>13. 72 | 10. 19<br>10. 19<br>10. 19     | 3. 53<br>3. 53<br>3. 53      |

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12301; Filed, July 29, 1943; - 4:36 p. m.]

PART 1390—MACHINERY AND TRANSPORTA-TION EQUIPMENT

[MPR 136 as Amended, Amdt. 96]

MACHINES AND PARTS AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 136, as amended, is amended, in the following respects:

- 1. In § 1390.2 (f) the first sentence is amended to read as follows:
- (f) Any sale or delivery at retail of a machine or part by a person other than the manufacturer thereof, except that the sale or delivery at retail of automotive trucks, trailers and busses as described in § 1390.33 (c) shall not be excluded from, but shall be covered by, this regulation.
- 2. Section 1390.11 (e) is amended to read as follows:
- (e) Maximum prices; secondhand machines or parts sold when new on deliv-

<sup>1</sup>7 F.R. 5047.

ered or installed price basis only—(1) Sold when new on delivered price basis only. Notwithstanding any other provision of this section, if the maximum price for any secondhand machine or part established by this regulation when such machine or part is sold new, is on a delivered price basis only, the new base price upon the sale of such machine or part shall be the highest maximum price to any class of purchasers for the nearest equivalent machine or part when new, delivered to the point where such secondhand machine or part is located at the time of purchase by the seller.

- (2) Sold when new on installed price basis only. Notwithstanding any other provision of this section, if the maximum price for any secondhand machine or part established by this regulation when such machine or part is sold when new, is on an installed price basis only (that is, a lump sum covering the cost of the machine or part, the cost of transportation, and the cost of installation), the new base price upon the sale of such machine or part shall be the price for the same machine or part when new, installed at the point of original installation.
- 3. Section 1390.20 (a) is amended by adding to the end thereof a sentence to read as follows:

It shall also be a violation of this regulation for any person to pay, in connection with the purchase or rental of any machine or part, whether new or used, or the purchase of any machinery service, any fees, commissions, or other compensation, whether for broker's, agent's or finder's services, or otherwise, which, when added to the amount paid by such person for the purchase or rental of such machine or part or the purchase of such machinery service would result in a total

sum exceeding the applicable maximum price established by this regulation.

4. In § 1390.33 (c) a new item is added to read as follows:

New automotive trucks, trailers, and busses, originally designed for use as private or commercial motor vehicles, which are manufactured on or after August 12, 1943, when sold by any person. The foregoing does not include automotive trucks, trailers, and busses specially designed for use as military vehicles; nor does it include cars and trucks covered by § 1390.32 (g) as "Material Handling Equipment."

5. In § 1390.33 (c) the item: "Gears, pinion, sprockets and speed reducers specially designed for use in vehicles, aircraft or equipment used primarily for military purposes" is amended to read as follows:

Gears, pinions, sprockets and speed reducers, except automotive or tractor transmissions, transfer cases, power take-offs, differentials or axle assemblies, specially designed for use in vehicles, aircraft or equipment used primarily for military purposes.

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12309; Filed, July 29, 1943; 4:47 p. m.]

PART 1390—MACHINERY AND TRANSPORTA-TION EQUIPMENT

[MPR 351,1 Amdt. 4]

### FERROUS FORGINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 351 is amended in the following respects:

- 1. Section 1390.218 is amended to read as follows:
- § 1390.218 Petitions for amendment. Any person seeking an amendment of any provision of this regulation, may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.
- 2. Section 1390.218a is added to read as follows:
- § 1390.218a Adjustments—(a) Application by a manufacturer of a ferrous forging—(1) Who may receive an adjustment. The manufacturers' maximum price for a ferrous forging established by this regulation may be adjusted only in the case of an essential

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>8 F.R. 3784, 7588, 7767, 8275.

producer of an essential ferrous forging. An "essential ferrous forging" is one which contributes to the effective prosecution of the war. An "essential producer" is one whose output of a ferrous forging cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into, or proposes to enter into, a war contract (as defined in subparagraph (5)), or a subcontract thereunder, is an essential producer of a ferrous forging.

(2) When adjustment may be granted—(i) In general. The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential producer of an essential ferrous forging upon the basis of information submitted by the manufacturer or of other information. It may make that adjustment whenever it finds that the maximum price of a ferrous forging is at such a level that (taking into account the cost thereof, the profits position of the manufacturer and the nature of his business) production of the ferrous forging is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) Factors which may be considered. (a) The following factors are relevant to the consideration of whether production of the ferrous forging is impeded or threatened:

(1) Whether and by what amount, the maximum price is below or above (i) the current total unit costs, less selling and administrative expense properly allocable to the internal management of the business, and (ii) the current total unit costs, of the ferrous forging.

(2) Whether, and by what amount, the manufacturer's current over-all profits, before income and excess profit taxes, are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the manufacturer, or its stock-holders, since the normal base period. Capital investment will be construed as including accumulated profits.

(3) Whether the proposed price is higher than the price prevailing in the

industry.

(4) Whether the manufacturer's sales of the ferrous forging represent only a very small part of his total sales.

(5) Whether the manufacturer previously sold the ferrous forging at a price which was below its total unit costs.

- (b) The following factors are relevant to the consideration of whether the adjustment would cause an increase in the cost of living:
- (1) Whether the ferrous forging or a commodity in the production of which it is used is of a type sold to civilian consumers other than industrial consumers.
- (2) If such is the case, whether the increase in price allowed by the adjust-

ment would be absorbed prior to sale to a nonindustrial consumer.

(3) Whether, if the applicant did not produce the ferrous forging, his output would be replaced by the same or a substitute commodity at prices equal to or higher than the proposed adjusted maximum price.

(3) How the manufacturer proceeds in applying for an adjustment—(i) In general. An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 12 and shall be made on a copy of Form OPA 694:411 set out in Appendix A, incorporated as § 1390.221 of this regulation. Copies of this form and of the instructions for completing it may be obtained from any district, state or regional office of the Office of Price Administration. If the manufacturer's total sales in the calendar year 1942, or in the fiscal year ending in 1942, exceeded \$500,-000 the application shall be filed with the Office of Price Administration, Washington, D. C. If the manufacturer's total sales during that period did not exceed \$500,000 the application shall be filed with the regional office of the Office of Price Administration located in the same region that the manufacturer's business is located.

(ii) Application . based\_ on proposed wage or salary increase to be authorized by the National War Labor Board. A manufacturer who believes that the conditions for an adjustment set forth in this paragraph (a), would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28,3 which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(4) Prices for deliveries made pending disposition of the application. A manufacturer who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the manufacturer wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administra-

87 F.R. 9619; 8 F.R. 7256.

A manufacturer who wishes to enter into such an arrangement must specifically state to the buyer the following:

(i) The maximum price for the ferrous

forging;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration; and

(iii) The fact that the specific price quoted by the manufacturer is subject to the approval of the Office of Price Ad-

ministration.

(5) Definitions—(i) Normal base period. The term "normal base period" means the period 1936-1939. If the manufacturer shall demonstrate to the satisfaction of the Office of Price Administration either (a) that his entire industry was operating during the greater part of such period at an unusually depressed level or (b) that because of unusual conditions prevailing during that period, the manufacturer's plant was operating during that period at an unusually depressed level in comparison to other plants in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period", such other period may be considered. The mere fact that the rate of production has increased since 1936-1939 will not be deemed evidence that production during that period was at an "unusually depressed level". If the manufacturer was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) Over-all profits. The term "over-all profits" means net profit resulting from the operation of all divisions of the manufacturer, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income

and excess profit taxes.

(iii) Subcontract. The term "subcontract" means any purchase, order or agreement to perform all or any part of the work, or to make or furnish any commodity, required for the performance of another contract or subcontract.

(iv) Total unit costs. The term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services, plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the produc-tion of the ferrous forging, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(v) War contract. The term "war contract" means any contract with the

<sup>27</sup> FR. 8961, 8 FR. 3313, 3533, 6173.

United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of a ferrous forging (a) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (b) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (c) for use in the production or manufacture of any commodity described in (a) or (b).

(b) Application by a manufacturer based upon an appropriate decrease of other prices—(1) Who may receive an adjustment under this paragraph. Adjustments under this paragraph will be granted only in the case of an essential producer of an essential ferrous forging. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) When adjustment may be granted. The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the manufacturer agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (b)) makes a reduction in the selling price of other commodities which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.

(3) What an application under this paragraph must show. An application for price adjustment under this paragraph (b) shall contain information indicating that the manufacturer is an essential producer of an essential ferrous forging and that if the proposed adjustment is granted, the gross dollar amount of sales of the commodities affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the commodities affected.

the commodities affected.

(4) How the manufacturer proceeds in applying for an adjustment. An application for adjustment under this paragraph (b) shall be filed in accordance with Revised Procedural Regulation No.

1. If the manufacturer's total sales for the calendar year 1942, or for the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the manufacturer's total sales during that period did not exceed \$500,000 the application shall be filed with the regional office of the Office

is located.

(c) Application by a manufacturer under a combination of both paragraphs
(a) and (b). A manufacturer who desires to apply for an adjustment under

of Price Administration located in the

same region that the applicant's business

paragraph (b) may, at the time he applies under that paragraph, also apply under paragraph (a), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under paragraph (a) before applying paragraph (b).

(d) Procedural Regulation No. 6 suspended. (b) No application for adjustment filed after August 4, 1943, under Procedural Regulation No. 6 with respect to ferrous forgings will be granted.

(e) Adjustments for sellers other than manufacturers. The maximum prices for sales of ferrous forgings by persons, other than manufacturers, may be adjusted in an order issued under this section.

- 3. Section 1390.221 is added to read as follows:
- § 1390.221 Form for application ofr adjustment—(a) Form:

Form OPA 694:411

Form Approved Budget Bureau No. 08-R576

United States of America Office of Price Administration Washington, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM MANUFACTURERS' PRICES OF FERROUS FORG-

Company name\_\_\_\_\_Address \_\_\_\_\_\_(Street) (City) (State)

The following facts are furnished to the Office of Price Administration in support of this Application:

### SCHEDULE A

- General description of the company's business.
- 2. Designate and describe the ferrous forging(s) for which price increase is requested.
  3. Present the following information for each product listed in 2 above.

Note: If more than one product is being reported, present the required information on another sheet.

- (a) Dollar volume of unfilled orders \$\_\_\_\_.

  (b) Unit volume of unfilled orders. (In-
- dicate unit used) \_\_\_\_\_.

  4. Present evidence that the company is an essential producer of an essential ferrous forging.
- (a) For each product designated in Item 2 above, fill in the following if you have entered into, or propose to enter into a war contract or subcontract for the sale of that product.

Note: If more than one product is being reported, present the required information on another sheet.

- (1) Identification of contract \_\_\_\_\_.
- (2) Name of purchaser \_\_\_\_\_\_(Street)

(City) (State)

(b) Present any other information which demonstrates that the manufacturer is an assential producer of an essential ferrous forging.

Note: The terms "essential producer", "essential ferrous forging", "war contract" and "subcontract" are defined in the adjust-

ment provision under which this report is filed (§ 1390.218a of Maximum Price Regulation 351).

5. Are similar products manufactured by competitors in your region?

(Yes or No)

If yes, give names and addresses of competitors and their prices for such products.

#### SCHEDULE E

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period in 1943.

(Note: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expenses, the total amount of officers' salaries and bonuses, and the number of officers.)

2. Financial data 1936-1940.

(Note: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table:

|   | 1936 | 1937  | 1938           | 1939  | 1910 |
|---|------|-------|----------------|-------|------|
| Not salesCost of goods sold             |      |       | 4444           | ***** | **** |
| Gross profit                            |      | ****  | 44444          | ***** | 4444 |
| Selling expense                         |      |       | 400E4<br>444E4 | ****  | **** |
| penses                                  | ļ    |       | ****           |       |      |
| end of year<br>Net worth at end of year |      |       |                | ***** |      |
| Total assets                            |      | ***** |                | ****  | **** |

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization?

(Yes or No.)
If no, state exceptions.

SCHEDULE O

Unit price and unit cost information. Designation of the ferrous forging:

Note: If more than one product is involved, prepare and file separate reports on this schedule for each product that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. Price data: (a) Net realized price:

|  | Ceiling price                           | Current<br>price | Request-<br>ed price |
|--|---|------------------|----------------------|
| 1. (List) (gross) price 2. Less: Dealer's commissions 3. Less: Trade discounts. 4. Net realized price at maximum discount and/or commissions | *************************************** |                  |                      |
| missions   |   |                  |                      |

<sup>47</sup> F.R. 5087, 5664; 8 F.R. 6173, 6174.

|  |  | FEDE  | RAI  |
|--|--|---|--|
| (b) Analysis of sales of Designated Item: Sales for  | nonth peri   | od end∝   | iter   |
| •  | Percentage<br>amount of<br>commis-<br>eion or<br>discounts   | Doller<br>value of<br>sales<br>ofter dis-<br>counts | Total and  |
| Sales subject to commission of sales subject to commission of sales not subject to commission of sales subject to discount of sales not subject to discount sales not subject to discount sales not subject to discount of sales subject sales subject to discount of sales subject sales s | (1) — C<br>(2) — C<br>(3) — C<br>(3) — C<br>(4) — (5) — XXXX | \$  | prowit (   |
| -  |  |   | for<br>2   |
| (a) Direct material. (b) Direct labor. (c) Factory overhead. (d) Selling expense (do not inche deducted under Price Data (e) Administrative expense. (f) Freight out, if any. (g) Installation expense, if any. (h) Other expense, specify. (f) Total cost per unit.   | ide discounts<br>a above)                                    | and commi   | issions  |
| factory overhead? (1) Standard (); Ad (). (Check one.) (2) Direct labor cost hours (); Machine h (). (Check one.) (Explain separately if nation.)  | ctual ( )<br>( ); Dire<br>ours ( )                           | : Other et labor : Other                            | professional profe |
|  | (Applicant   |   | No<br>in   |
|  | (Title)  |   | 1  |

(c) Total sales for the above designated PART 1407—RATIONING OF FOOD AND FOOD item only:

| -                                  | 1939 | 1041 | 1042 menths '<br>criding 1043 |
|------------------------------------|------|------|-------------------------------|
| Total unit volume of               |      |      |                               |
| Total dellar volume of cales (net) | \$   | £    | 8                             |

(d) Is the price currently charged for the product the same as the maximum price filed with OPA?

(Yes or no)
(If answer is "No", state date when increased price was first charged.) \_, 194\_ Date:

(Month)
(e) Indicate whether the current maximum price is a list or established price -or a formula price \_\_\_\_\_ (Check one). Price used since \_\_

(Lionth) (f) State on a separate sheet the reasons for the need of the requested price increase.

2. Unit cost data:

Costs October 1912

Current date

------

| product o | overed by th | e application | use the |
|-----------|--------------|---------------|---------|
|           |              | he largest an |         |

(a) 3. Trade discounts:

Celling date costs \_\_ 194\_\_

Deduct trade discounts at the average rate of discounts prevailing in your company for the product covered by the application.

(b) Use a sufficient number of months

prior to the date of the application to give an adequate understanding of the cituation. Name the period in the allotted cpace and fill in commission rates or discounts.
2. Unit cost data:

In presenting unit cost data he sure to include only actual cost.

Material cost must represent actual cost. State separately any charges added to costs of materials.

Where standard costs are used, adjust costs for over- and under-absorption during the

Period to which the costs apply.

(The cost data for the ceiling date may be recomputed if the product covered by the application was not manufactured on or about that date. In the recomputation apply the wage rates prevailing in your plant on the ceiling date and material cost of the same date.

Under items (1), (g) and (h) include only costs borne by the manufacturer and not billed separately to the buyer.

This amendment shall become effective August 4, 1943.

Note: All report and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943. PRENTIES M. BROWN,

[F. R. Doo. 43-12310; Filed, July 29, 1843; 4:48 p. m.]

Products

IEO 13. Amdt. 491

#### PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Ration Order 13 is amended in the

following respects:

1. The first sentence of section 4.2 (e) (2) is amended to read as follows: •

His maximum allowable inventory for the current reporting period is then determined by multiplying his sales or transfers of each such item during the preceding reporting period Cless returns of processed foods made during that period) by the point value assigned to that item.

2. The first sentence of section 4.6 (b) is amended to read as follows:

To get a wholesaler's maximum allowable inventory for any reporting period the point value of all processed foods transferred from his wholesale establishments during the second preceding reporting period (less returns of processed foods made during that period) is multiplied by a factor which the Office of Price Administration will fix for each reporting period.

- 3. Section 4.10 (a) (1) is amended to read as follows:
- (1) The amount of that item which he sold or transferred during the preceding reporting period Cless returns of that item made during such period) is multiplied by the point value assigned to that item at the beginning of the current reporting period.

This amendment shall become effective July 31, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 FR. 10179; WPB Directive 1, 7 FR. 562; Food Directive 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 29th day of July 1943.

PRINTISS M. BEOWN. Administrator.

[P. R. Doc. 43-12322; Filed, July 29, 1943; 4:50 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,2 Amdt. 51]

MEAT, FATS, FISH AND CHEENES

A rationale for this amendment has been issued simultaneously herewith and

Copies may be obtained from the Office

Copies may be consider from the Cince of Price Administration.

18 P.R. 1830, 2223, 2631, 2634, 2943, 3179, 3349, 4242, 4525, 4726, 4724, 4921, 5318, 5342, 4260, 5563, 5757, 5763, 5318, 5319, 5847, 6046, 6157, 6163, 6181, 6233, 6239, 7257, 7263, 7353, 7360, 7490, 7559, 8276, 6357, 6705, 9012, 9024, 6216 9216.

<sup>1</sup>8 F.R. 6446, 6514, 6520, 6687, 6240, 6960, 6361, 7115, 7263, 7381, 7231, 7533, 7455, 7491, 8357, 8540, 6614, 8344, 8369, 8014, 8025, 9217, 8024, 9326, 10035.

deposes and says: That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct. (Signature) Subscribed and sworn to before me this \_\_\_\_\_, 1943. day of \_\_ Officer Administering Oath

AFFIDAVIT

ing first duly sworn according to law, on oath

.. ES:

(b) Instructions for completing form: INSTRUCTIONS FOR THE USE OF ADJUSTMENT

APPLICATION FORM FOR FERROUS FORGILIGS

Schedule C entitled "Unit Price and Cost Information" is subject to the following ex-

1. Price data:

State of \_.

County of \_.

The undersigned .

(a) 1. (List) (gross) price:

Please indicate whether the price is a list price or a gross price by crossing out the term that does not apply.

(a) 2. Dealer's commission:

Where all dealers receive the same commission, use the full commission rate even if some sales are not subject to any commission. If several different rates affect the

Administrator.

has been filed with the Division of the Federal Register.\*

Section 10.6 (a) (4) is amended by adding after the words "\\$ 6.10" the words "or except if it is an item having a point value of zero per pound."

This amendment shall become effective August 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food. Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-12303; Filed, July 29, 1943; 4:38 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 373, Amdt. 7]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

#### Correction '

In F.R. Doc. 11643 appearing on page 10270 of the issue for Thursday, July 22, 1943, the following correction should be made:

In Item 2 of Table II in section 15 the maximum retail price per one can for all grades, No. 2½ can, should be \$0.21.

In Table A of section 41 the price in cents per container under item 6 for Nestles Swt. Milk Cocoa, 8 oz. container, should be 22. In item 36 of Table A the words "(3 for 25)" should appear immediately following the entry "Palmolive, Regular cake, 9." The last sentence of the undesignated paragraph following item 44 of Table A should read, "For all other canned vegetables the division factor is .77."

PART 1418—TERRITORIES AND POSSESSIONS [MPR 373,1 Amdt. 8]

MAXIMUM PRICES IN THE TERRITORY OF HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 373 is amended in the following respects:

- 1. Section 32 is amended by adding paragraphs (b) and (c) to read as follows:
- (b) The maximum prices for sales at wholesale on all Islands other than Oahu shall be the maximum prices at wholesale set forth in paragraph (a) above, plus transportation costs from Oahu

actually incurred by the buyer. "Transportation costs" are defined to mean and shall include only freight and marine and war risk insurance charges, plus an amount equal to cartage charges in the port of discharge from dock to warehouse computed at a rate not in excess of \$1.20 per ton, weight or measurement, except on the Island of Molokai, where it shall be computed at a rate not in excess of \$2.65 per ton. Transportation costs must be stated separately by the wholesaler on his bill or invoice to the purchaser.

- (c) The maximum prices for sales at retail on all Islands other than Oahu shall be the maximum prices at retail set forth in paragraph (a) above, plus transportation costs actually incurred by the retailer, or such transportation costs as are separately billed and stated to the retailer by the wholesaler.
- 2. Section 34 (a) (2) is added to read as follows:
- (2) In the case of sales on Islands other than Oahu, 1 cent per pound, or fraction thereof, may be added to the maximum prices set forth above both at wholesale and at retail.
- 3. Section 35 (a), item 28 is amended and items 42 and 43 are added, all to read as follows:

| _          | Make or label  | Whole-<br>sale  | Retail         |
|------------|--|-----------------|----------------|
| 28.<br>42. | Immortal 10" Black Label<br>Albums numbered 5, 6, 8, 9, 10, 11 | \$0. <b>2</b> 0 | \$0.39         |
| 43,        | (including albums) Album No. 7 (including album)               | 1.57½<br>3.67½  | 2, 25<br>5, 25 |

4. Section 42 (b) (1) is amended by changing the price of imported brandy and by adding the category imitation Bourbon whiskey to read as follows:

Maximum price per drink
Brandies: Imported \$0.55
Imitation Bourbon whiskey 20

5. Section 42 (b) (2) is hereby revoked.
6. Section 42 (c) is amended by changing the price of mixed drinks containing not less than one ounce of imported brandy, and adding the category mixed drinks containing not less than one ounce of imitation Bourbon whiskey to read as follows:

Maximum price per drink

Mixed drinks containing not less than one ounce imported brandy\_\_\_\_\_ \$0.55 Mixed drinks containing not less than one ounce imitation Bourbon whis-

- 7. Section 42 (g) is added to read as follows:
- (g) Maximum prices for sales of wine served for consumption on the premises where sold in the Territory of Hawaii shall be:

Wine: Serving or portion

Domestic \_\_\_\_\_\_\_ \$0.20

Imported \_\_\_\_\_\_ 35

8. Section 42 (h) is added to read as follows:

- (h) The maximum price for any alcoholic beverage which is served or sold for consumption on the premises where sold and for which a maximum price cannot be determined under paragraphs (b), (c), (d) or (g) hereof, shall be determined upon application of the seller to the Office of Price Administration, Hawaii Territorial Office, Honolulu, T. H.
- 9. Section 45 is added to read as follows:

Sec. 45. Maximum prices for brooms and mopheads manufactured by Territorial Workshop for the Blind. (a) The maximum prices in the Territory of Hawaii for sales by the manufacturer, at wholesale, and at retail of brooms and mopheads manufactured by the Territorial Workshop for the Blind shall be:

| tem         | Maxi-<br>mum<br>price for<br>manu-<br>facturer | Maxi-<br>mum<br>price at<br>whole-<br>sale | Maxi-<br>mum<br>price at<br>retail |
|-------------|--|--|------------------------------------|
| No. 1 Broom | Per doz.                                       | Per doz.                                   | Each                               |
|             | \$10. 61                                       | \$11. 67                                   | \$1. 21                            |
|             | 8. 93  | 9. 82                                      | 1. 02                              |
|             | 7. 74  | 8. 51                                      | 89                                 |
|             | 13. 70   | 15. 13                                     | 1. 69                              |
|             | 5. 51  | 6. 05                                      | 63                                 |
|             | 7. 07  | 7. 78                                      | 82                                 |
|             | 8. 62  | 9. 48                                      | . 93                               |
|             | 10. 20   | 11. 22                                     | 1. 17                              |

(b) The maximum prices for sales at wholesale on all Islands other than Oahu shall be the maximum prices at wholesale set forth in paragraph (a) above, plus transportation costs from Oahu actually incurred by the buyer. "Transportation costs" are defined to mean and shall include only burlaping or an amount equal to cartage charges in the port of discharge from dock to warehouse computed at a rate not in excess of \$1.20 per ton, weight or measurement, except on the Island of Molokai, where it shall be computed at a rate not in excess of \$2.65 per ton. Transportation costs must be stated separately by the wholesaler on his bill or invoice to the purchaser.

(c) The maximum prices for sales at retail on all Islands other than Oahu shall be the maximum prices at retail set forth in paragraph (a) above, plus transportation costs actually incurred by the retailer, or such transportation costs as are separately billed and stated to the retailer by the wholesaler.

This amendment shall become effective as follows:

(a) Sections 32 (b) and (c); 34 (a) (2); 35 (a) shall become effective August 4, 1943.

(b) Section 42 (b) (1), (2), (c), (g) and (h) shall become effective as of July 6, 1943.

(c) Section 45 shall become effective as of July 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12312; Filed, July 29, 1943; 4:46 p. m.]

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>18</sup> F.R. 5388, 6359, 6849, 7200, 7457, 8064, 8550.

PART 1427—Magnesium [MPR 314,1 Amdt. 3]

MAGNESIUM AND MAGNESIUM ALLOY INGOT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 314 is amended in the following respects:

1. Section 1427.51 (b) (1) is amended to read as follows:

(1) Special shapes and sizes. If magnesium or magnesium alloy ingot is sold in nonstandard shapes or sizes a premium of 1 cent per pound may be added to the applicable maximum base price provided the purchaser specifically requests magnesium or magnesium alloy ingot in that particular shape. In such cases the premium charge must be shown as a separate item on the invoice required by § 1427.56, paragraph (a). Examples of such nonstandard shapes or sizes are the three-pound ingot and the round ingot (4" diameter x 16") weighing approximately twelve pounds.

Any seller of magnesium or magnesium alloy ingot who cannot produce a particular shape or size so requested by the buyer at the above premium of 1 cent per pound may apply in writing to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., for approval of a larger premium. Such

application shall state:

 The name and address of the purchaser.

(ii) The purpose for which the purchaser will use the material he desires to purchase.

(iii) The quantity of specially prepared material requested by the pur-

chaser.

(iv) The date of issuance of the War Production Board authority permitting the purchaser to purchase magnesium.

(v) A description of the manner in which the material is to be specially

prepared.

(vi) An itemized statement of the estimated additional expense to the seller in preparing the material for the purchaser's use.

(vii) The proposed price, setting forth the disposition to be made of transporta-

tion charges.

The price approved by the Office of Price Administration shall be a price in line with the general level of prices established by this Maximum Price Regulation No. 314 taking into account the purchaser's special requirements and the additional cost to the seller involved in preparing material to meet the purchaser's requirements.

The application may be filed before any sale is made and must be filed within five days after a sale at a higher than one cent premium. Pending approval by the Office of Price Administration, any seller may deliver, and the buyer may receive any such special shape or size of magnesium or magnesium alloy ingot at the price submitted for approval. If,

however, the price submitted is disapproved, the contract price shall be revised downward to the maximum price which shall be approved, and if any payment has been made at a price higher than that so approved the seller shall refund the excess to the buyer: Provided, however, That the premium submitted by the seller for approval shall be deemed to be approved unless the Price Executive of the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., specifically disapproves such price and establishes an approved price within fifteen days from the date on which the application is received by the Office of Price Administration, or if further information is requested from the seller within such fifteen day period, then within fifteen days from the cate on which all such information is received by the Office of Price Administration.

2. Section 1427.54 is amended to read as follows:

§ 1427.54 Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTIES M. BROWN,
Administrator.

[F. R. Doc. 43-12302; Filed, July 29, 1943; 4:37 p. m.]

PART 1429—FOOD AND FOOD PRODUCTS
[MPR 269 Amdt. 10]

DAIRY PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 289 is amended in the following respects:

1. Section 1351.1519 (a) (5) is amended to read as follows:

(5) Haximum prices for "cheddar", "twin", "flat", and larger styles of a moisture content of 37.7% or less. The maximum price for any of the following sales of "cheddar", "twin", "flat", or larger styles of cheddar cheese of a moisture content of 37.7% or less shall be as provided in subdivisions (i) and (ii) of this subparagraph: All sales by any factory producing the cheese sold; sales by any seller to the U. S. Government or any agency thereof; sales by any seller to a cheese processor for manufacture into processed cheese; sales by any seller to any manufacturer of food products for use in the manufacture of such food products.

(i) For delivery at all places in the state of Wisconsin, the maximum price shall be as set forth in Table B below.

(ii) For delivery in all places outside the state of Wisconsin, the maximum price shall be the appropriate price in Table B for the particular cheese sold plus transportation charges. The transportation charges shall be those described in subparagraph (2) above.

TABLE B

|  | Maximum<br>cents per p   |   |
|--|--|---|
| _  | For ched-<br>dars, twins,<br>and larger<br>styles                    | Fcr<br>flats  |
| 0 ver 33.7% but not over 33.7% 0 ver 33.7% but not over 34.7% 0 ver 34.7% but not over 34.7% 0 ver 34.7% but not over 34.7% 0 ver 34.7% but not over 35.2% 0 ver 35.2% but not over 35.2% 0 ver 35.2% but not over 37.7% 0 ver 35.2% but not over 37.7% 0 ver 37.2% but not over 37.2% 0 ver 37.2% but not over 37.2% 0 ver 37.2% but not over 37.2% | 25.43<br>25.15<br>24.97<br>24.77<br>24.73<br>24.20<br>24.01<br>23.82 | 25.79<br>25.60<br>25.41<br>25.22<br>25.62<br>24.83<br>24.45<br>24.26<br>24.07 |

(iii) Provided, however, That no seller may calculate his maximum price in accordance with the provisions of Table B of this subparagraph for any cheddar cheese item of "flats" style if he has purchased such cheese item at a price determined by his supplier without reference to the provisions of said Table B.

2. Paragraph (c) of Table D in § 1351.1519 (c) (1) (i) is amended by adding the following sentence:

 Sales to military or naval establishments shall in no case be deemed service wholesales sales.

3. Paragraph (e) of Table D in § 1351.1519 (c) (1) (i) is amended by adding the following sentence:

Sales to military or naval establishments chall in no case be deemed cash and carry wholesaler's cales.

4. Paragraph (f) of Table D of § 1351.1519 (c) (1) (i) is amended by adding the following sentence:

Sales to military or naval establishments thall in no case be deemed a wagon route wholesale.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>18</sup> F.R. 1367, 2040, 2154, 7106.

<sup>- 17</sup> FR. 10996; 8 FR. 490, 1458, 1885, 1972, 3252, 3327, 4336, 4513, 4337, 4338, 4918, C440, 7566, 7593, 8276, 8751.

### • 5. Paragraph (g) of Table D of § 1351.1519 (c) (1) (i) is added to read as follows:

|  | Figure to be<br>used as multi-<br>plier for units of<br>cheese weighing<br>2 lbs. or more |              |
|--|---|--------------|
| (g) Military or naval establishment sale. A sale in less than carload quantities to an individual military or naval establishment where delivery is made to the physical premises of that establishment.  Sales and deliveries of less than carload quantities but over 5,000 pounds | 1.03<br>1.06  | 1.03<br>1.06 |

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-12313; Filed, July 29, 1943; 4:44 p. m.]

PART 1432—RATIONING OF CONSUMERS'
DURABLE GOODS
[RO 9,1 Amdt. 7]

HEATING STOVES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1432.19 (c) is amended to read as follows:

(c) The certificate will not be transferable and will be valid only for thirty (30) days from the date of issuance, but in no event after August 23, 1943. Thereafter it will be null and void and must be returned to the Board.

This amendment shall become effective August 4, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W. P. B. Directive No. 1, 7 F.R. 562; Supp. Directive No. 18, 7 F.R. 10668; E.O. 9125, 7 F.R. 2719)

Issued this 29th day of July 1943.

Prentiss M. Brown,

Administrator.

[F. R. Doc. 43-12314; Filed, July 29, 1943; 4:44 p. m.]

PART 1448—Eating and Drinking Establishments

[Restaurant MPR 3-1, Amdt. 2]

FOOD AND DRINK SOLD FOR IMMEDIATE CON-SUMPTION IN JEFFERSON COUNTY, KEN-TUCKY

A statement of the considerations involved in the issuance of this Amendment

No. 2 to Restaurant Maximum Price Regulation No. 3-1 has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 3-1 is amended in the following respects:

- (1) The table of contents is amended as follows: As contained in the table of contents, section 17, "Provision for amendments," is amended to read section 17, "Provision for amendments and adjustments."
- (2) Section 17 is amended to read as follows:
- SEC. 17. Provision for amendments and adjustments—(a) Amendments. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the Administrator, such action is necessary or desirable to prevent excessive charges, to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

(b) Adjustments. (1) The Office of Price Administration may adjust the maximum prices for any eating or drinking establishment under the following circumstances:

(i) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(ii) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(iii) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

(2) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to your Office of Price Administration District Office an application in duplicate. The application should contain the following information:

(i) Your name and address.

(ii) A description of your eating establishment, including the type of service rendered, such as cafetoria, table service, etc.; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period, (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.

(iii) The reasons why your customers will be seriously inconvenienced if you

discontinue operations.

(iv) The names and addresses of the three nearest eating places of the same type as yours.

(v) A list showing your present maximum prices and requested adjusted prices.

(vi) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the Regional Administrator or by any District Director who has been authorized to do so by order of the Regional Administrator.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued July 16, 1943.

C. J. Houser, Acting Regional Administrator.

[F. R. Doc. 43-12304; Filed, July 29, 1943; 4:38 p. m.]

PART 1499—COMMODITIES AND SERVICES [Rev. SR 14, to GMPR, Amdt. 6]

CERTAIN FOOD AND BEVERAGE SPECIALTY PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

Section 1.15 is amended to read as fol-

SEC. 1.15 Certain food and beverage specialty products—(a) Applicability.
(1) The provisions of this section shall apply only to the commodities listed in paragraph (1) and only in those cases where there has been a change in formula and where the volume of the end-product of the new formula product is fairly equivalent to the volume of the end-product made from the original formula product.

(2) The particular maximum prices which manufacturers are required to determine under the provisions of this acction shall become effective respectively as follows:

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>7 F.R. 10720; 8 F.R. 1318, 2433, 2722, 2941, 3003, 3716.

<sup>&</sup>lt;sup>1</sup>8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962, 8511, 9025.

- (i) Where the formula change was made prior to March 27, 1943, the maximum price figured for the new formula product shall take effect as of April 12, 1943.
- (ii) Where a formula change is made on or after March 27, 1943, the maximum price figured for the new formula product shall take effect as of April 12, 1943, or the date of first delivery of the new formula product, whichever is later.
- (b) Method of determining maximum prices. On and after August 4, 1943, every manufacturer of a listed specialty product who has changed or who shall change his original formula for the manufacture of any flavor or size of such product either by the substitution, elimination or reduction of one or more of its ingredients shall determine the maximum.

mum price of his new product for that flavor or size as follows: He shall

- (1) Calculate the current ingredient costs per his customary selling unit of all ingredients according to his original formula.
- (2) Calculate the current ingredient costs per his customary selling unit of all ingredients of his new formula for the product which he is pricing.
- (3) Determine the percentage relationship of the new formula ingredient costs to the original formula ingredient costs, ((2) divided by (1)), and
- (4) Apply the result determined in (3) to the following percentage table to determine his maximum price per his customary unit for his new formula product:

| Current cost of ingredients in original formula | Current cost of ingredients in new for-<br>mula as related to original formula •   | Requirement to reduce crizical maximum price   |
|---|--|--|
| 100%<br>100%<br>100%<br>100%<br>100%<br>100%    | Not less than 95% Less than 95% but not less than 95% Less than 95% but not less than 85% Less than 85% but not less than 85% Less than 85% but not less than 75% Less than 75% but not less than 75% Less than 75% but not less than 75% etc. | None. 576 of current criginal formula ingredient cost. 1076 of current criginal formula ingredient cost. 1076 of current criginal formula ingredient cost. 2076 of current criginal formula ingredient cost. 2076 of current criginal formula ingredient cost. |

Fractions of one-half cent or more per customary selling unit may be increased to the next higher cent and fractions of less than one-half cent shall be decreased to the next lower cent.

- (c) Examples of calculations. (1) A manufacturer of a 3 ounce package of chocolate dessert preparation has a maximum price of \$1.40 per case established under the General Maximum Price Regulation for his original formula product. This price is his original maximum price. The current cost of ingredients in the formula used to manufacture the product for which his price was originally established under the General Maximum Price Regulation, called herein the original formula, is 60¢ per case. The current cost of ingredients in the new formula is 56¢ per case. The relation of current costs as between original formula and new formula being 93.3%, the original maximum price must be reduced by 5% of the current original formula cost, or 3¢. The manufacturer's new maximum price is \$1.37 per case.
- (2) The same manufacturer later changes his formula again so that at that time the current cost of ingredients in the original formula is 61¢ per case and the current cost of the ingredients of the new formula which he is pricing is 54¢ per case. The relation of current costs as between original formula and new formula being 88.5%, the original maximum price must be reduced by 10% of the current original formula cost, or 6.1¢. The manufacturer's new maximum price is \$1.34 per case.
- (3) The same manufacturer later changes his formula again so that at that time the current cost of ingredients of the original formula is 62¢ per case and the current cost of the ingredients of the new formula which is being priced is 59¢ per case. The relation of current costs as between original formula and

new formula being 95.1%, the manufacturer's original maximum price need not be reduced. The manufacturer's maximum price for this new formula product is now \$1.40 per case.

(d) Price lines. In the case where a manufacturer customarily sold more than one listed specialty product, or different flavor combinations of a listed specialty product, and such products were in a price line, and as such have an established maximum price which is the same for all, shall be permitted to use weighted averages based upon the 1942 sales volume of each unit as follows:

The weighted average ingredient cost for the old formula products and the new formula products in the price line shall be obtained as follows:

- (1) Determine the percentage of sales volume for the year 1942 for each item in the price line.
- (2) Determine current ingredient cost of original formula per customary selling unit for each item in the line.
- (3) Multiply ingredient costs for each item (2) by the percentage figure for that item (1). Add the total of all computations. The weighted average figure thereby obtained is to be used as 100% of current ingredient costs of the price line.
- (4) Determine current ingredient cost of new formula per customary selling unit for each item in the price line.
- (5) Multiply (4) by (1) using identical percentage figures for each item, as in (3). Add the total of all computations.
- (6) Apply the figure determined in (5) to the figure determined in (3) to arrive at the percentage relationship of weighted average new formula ingredient costs to old formula ingredient costs.

The table in paragraph (b) (4) shall then be used to determine the amount of reduction required in the maximum selling price of the entire price line.

Note: When no formula change is made in one or more items in the price line, the ingredient costs for that item as determined in (2) and (4) will obviously be identical.

- (e) Manufacturers having more than one factory. In the case of those manufacturers producing the listed specialty products at more than one factory, the ingredient costs per unit may be averaged for all factories in determining the new formula cost. This provision applies only when the maximum selling price for the article is the same for shipments from all factories.
- (f) Relation to original maximum price. No maximum price for any new formula product calculated under the provisions of this section shall ever exceed the maximum price established under the General Maximum Price Regulation for the original formula product.
- (g) Discounts and allowances. Discounts, allowances and terms, whether based on quantity, class of purchaser, or any other cause, shall be no less favorable to any purchaser of a new formula product of a listed specialty product than those in effect with respect to the original formula product.
- (h) Distributors. In case the manufacturer's maximum price for any item is lowered under this section, all distributors of the item shall make a corresponding reduction in their maximum prices in accordance with the notification which the manufacturer is required to give under paragraph (i).
- (i) Notification. Whenever a formula change is made and a new maximum selling price is determined under the provisions of this section, the manufacturer making such change shall before or at the time of first delivery to each purchaser supply him with the appropriate written notice set forth below. And for a period of 90 days thereafter the manufacturer shall include with the smallest shipping unit a written notice to retailers. If this retailer notice is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read, "Retailer's Notice Enclosed." The written notices, except for the proper insertions to be made by the manufacturer, shall read as follows:

### NOTICES TO WHOLESALEES AND PETAILES

The Office of Price Administration has authorized us to inform you that if you are a wholecaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422, or 423, you must refigure your ceiling price for this item in accordance with the applicable provisions of those regulations (See section 6 in each case). You must refigure your new ceiling price on the first delivery of this item to you on or after August 5, 1943.

HOTICE TO DISTRIBUTORS OTHER THAN WHOLE-SALERS AND EDVALUES

A change in the formula of \_\_\_\_\_\_\_\_has reculted in a lowering of our cost to produce that product. OPA requires that such reduction in costs, amounting to \_\_\_\_\_\_\_\_\_ of packages shall be deducted from our previously established price. If you are a distributor other than a whole-caler or retailer, you must reduce your maxi-

mum price to the extent that the amount of our reduction is equal to any full cent per your customary selling unit.

(j) Reports. Every manufacturer who has changed or shall change his original formula or shall make a subsequent formula change of a listed specialty product which shall require the establishment of a new maximum price shall file with the Office of Price Administration, Washington, D. C., a verified statement showing (1) his actual current purchase price for each ingredient used to produce the product by the original formula, (2) the actual current purchase price for each ingredient used to produce the product by the new formula, (3) the name of his supplier of each ingredient, (4) his current cost of such ingredients per his customary selling unit of the manufactured product for both the original and the new formula, (5) his original maximum selling price, and (6) his new maximum selling price. If the formula change was made prior to March 27, 1943, such statement must be filed on or before April 12, 1943. If the formula change is made on or after March 27, 1943, such statement must be filed on or before April 12, 1943, or within 5 days after the date of first delivery of the new formula product, whichever is later.

If any manufacturer claims that substantial hardship would result to him from filing the statement required by the provisions of this paragraph he may submit the information requested in this paragraph for inspection by the Office of Price Administration, Washington, D. C., and then withdraw such information and substitute therefor a statement that the information required has been submitted and is available from the manufacturer in the event the Price Administrator determines that the withholding thereof is inconsistent with the purposes of the Emergency Price Control Act of 1942 as amended.

(k) Definitions. When used in this

section, the term:

"Beverage mix preparations" means the dry or liquid product consisting of flavoring, coloring, acid, with or with-out sugar, without milk ingredients or with milk ingredients not exceeding 50 per cent of the total weight or volume as packaged.

"Dehydrated soup mixes" means the dry packaged product consisting of dehydrated vegetables, salt, sugar and seasonings, with or without alimentary paste products, and with or without capsules containing fats, vitamins or minerals, and with or without dehydrated

meat or poultry particles.

"Freezing mix preparations" means
the liquid or semi-fluid product customarily sold in hermetically sealed containers, consisting of sugar and/or dextrose. flavoring with or without fruit particles. coloring, salt, stabilizing colloid and/or any starch compound the entire combination being used to prepare frozen desserts.

"Gelatin dessert preparations" means the dry packaged product consisting of sugar, gelatin, organic acid, coloring and

flavoring.

"Ice cream powders" means the dry packaged product consisting of sugar or dextrose, or both, milk powder and/or skimmed milk powder, a stabilizing colloid, flavoring, coloring and salt. This definition shall also include ice cream powders with powdered rennin and sucrose.

"Starch dessert preparations" means the dry packaged product consisting of sugar or dextrose or both, cornstarch or other starches or a combination of either, flavoring, coloring and salt. This definition shall also include rennin powdered dessert preparations.

(The above are general definitions to describe the commodities. The elimination of any ingredient specified, or the addition of any optional ingredient not specified does not exclude a product from

the scope of the definition.)
"End-product" means the finished food or beverage as prepared according to the directions on or in the container and as described by the manufacturer.

"Current" means at the time of calculating, but in no event more than -30 days before the date of the manufacturer's first delivery of the new product.

"Ingredient cost" means the actual invoice cost of a customary quantity of any ingredient plus delivery charge, if incurred, from the customary supplying point via the customary mode of transportation. In the absence of actual invoice cost, the potential cost may be substituted. Where an ingredient in the original formula is omitted entirely in the new formula, the manufacturer shall use as the current cost of that commodity the most recent invoice cost of a customary quantity plus transportation charges if incurred. • "New formula" means the combina-

tion and proportion of ingredients which constitute the new product and which, used according to the directions on or in the container, will produce the fairly equivalent volume of end-product as the original formula product.

"Fairly equivalent" in volume means within 5% of the volume of the old product when prepared according to the same directions as the manufacturer

supplied with the old product.
"Original formula" means the combination and proportion of ingredients used to produce the listed specialty product for which the maximum price was first established under the provisions of

the General Maximum Price Regulation. "Original maximum price" means the maximum price first established under the provisions of the General Maximum Price Regulation, §§ 1499.2 and 1499.3 as amended, for the listed specialty product.

(1) Food and beverage specialty products covered by this section. The following food and beverage specialty products, referred to in this section as "listed specialty products", are covered by the provisions of this section:

Beverage mix preparations. Dehydrated soup mixes. Freezing mix preparations. Gelatin dessert preparations. Ice cream powders.

Starch dessert preparations, including rennin powdered dessert preparations.

This amendment shall become effective August 4, 1943.

Note: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, F.R. 7871; E.O. 9328, 8 F.R.

(Issued this 29th day of July 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-12305; Filed, July 29, 1943; 4:37 p. m.]

PART 1499—COMMODITIES AND SERVICES [MPR 165, as amended,1 Amdt. 1 to Supp. Service Reg. 7]

SERVICES RENDERED IN CONNECTION WITH THE NEGOTIATION OF PURCHASE OR SALE OF A COMMODITY

A statement of the considerations involved in the issuance of Amendment No. 1 to Supplementary Service Regulation No. 7, as amended June 16, 1943, has been filed with the Division of the Federal Register.\* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. Amendment No. 1 to Supplementary Service Regulation No. 7, as amended June 16, 1943, is hereby issued.

Section 1499.657 (b) is amended to read as follows:

- (b) This Supplementary Service Regulation No. 7, as amended, shall become effective as follows:
- (1) In the States of Connecticut, Delaware, Florida (east of the Apalachicola River), Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina. North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and in the District of Columbia on December 29, 1942.
- (2) In the States of Oregon and Washington on March 16, 1943.
- (3) In the Counties of Adah, Adams, Benewah, Boise, Bonner, Boundary, Canyon, Clearwater, Elmore, Gem, Kootenal, Idaho, Latah, Lewis, Nez Perce, Owyhee, Payette, Shoshone, Valley and Washington in the State of Idaho on April 2, 1943.

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-12316; Filed, July 29, 1943; 4:42 p. m.]

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>17</sup> F.R. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10557, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 5755, 5933, 6364, 8506, 8873.

PART 1499—COMMODITIES AND SERVICES
[MPR 165 as Amended, Amdt. 25]
RENTAL OF DUMP TRUCKS EXCEPTED

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 165 as amended—Services—is amended in the following respect:

Section 1499.101 (c) (4) is amended by inserting after the first word "rental" the parenthetical phrase "(except rental of dump trucks subject to Maximum Price Regulation No. 134)".

This amendment shall become effective August 4, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

Prentiss M. Brown,

Administrator.

[F. R. Doc. 43-12317; Filed, July 29, 1943; 4:42 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 85 Under SR 15 to GMPR]
PETROLEUM TRANSPORT, INC.

Order No. 85 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3337.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:* 

§ 1499.1385 Adjustment of maximum prices for contract carrier services of Transport, Inc., Lansing,
(a) Petroleum Transport, Petroleum Michigan. Inc., of Lansing, Michigan, may sell and deliver contract carrier services to the Gulf Refining Company of Pittsburgh, Pennsylvania, at rates not to exceed those set forth in Exhibit "D" annexed to its application for adjustment, and contained in its tariffs MF-ICC No. 18 which cancels No. 17, issued May 27, 1942, effective June 26, 1942, filed with the Interstate Commerce Commission and in its Supplement to MPSC No. 6, issued May 25, 1942, effective May 26, 1942, filed with the Michigan Public Service Commission: Provided, however, That so long as the increased rates established herein are charged by the Petroleum Transport, Inc., it shall file, with the Contract Carrier Section, Transportation Division, Office of Price Administration, Washington, D. C., quarterly profit and loss statements supported by balance sheets, commencing with the quarter ending June 30th, 1943.

(b) All requests of the application not granted herein are denied.

\*Copies may be obtained from the Office of Price Administration. (c) This Order No. 85 (§ 1499.1385) may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 85 (§ 1499.1385) shall become effective as of January 1, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTIES M. BROWN,

Administrator.

[F. R. Doc. 43-12323; Filed, July 23, 1943; 4:61 p. m.]

PART 1499—COMMODITIES AND SERVICES [Order 88 Under SR 15 to GMPR]

FRED'S MOTOR TRANSPORTATION

Order No. 86 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF 3-3124.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

§ 1499.1386 Adjustment of maximum prices for contract carrier services furnished by Fred's Motor Transportation.

(a) Fred's Motor Transportation, 94 Prospect Street, Somerville, Massachusetts, may sell and deliver contract carrier services to First National Stores, Inc. in connection with the transportation of food products from, to and between points in Maine and Massachusetts at prices not higher than those set forth in the schedule of rates annexed to the affidavit of First National Stores, Inc., dated June 7, 1943 and submitted with the application for adjustment.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 86 (§1499.1386) shall become effective as of January 1,

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,

[F. R. Doc. 43-12324; Filed, July 29, 1943; 4:52 p. m.]

Administrator.

PART 1364—FRESH, CURED AND CANNED
MEAT AND FISH

[Rev. MPR 169,1 Amdt. 23]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously

herewith and filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The table contained in § 1364.452 (p) (3) is amended by the addition of a new price column heading VIII to read as follows:

|   |            | VIII   |
|---|------------|--|
| Zono                                    |            | Boncless stew-<br>ing beef may<br>he sold to fed-<br>eral, state or<br>municipal in-<br>stitutions only. |
|   |            | Frozen in 5 lb.<br>bricks and<br>packed with<br>dry ice in 50<br>lb. containers.                         |
| 1                                       | ********** | \$23,25  |
| 2,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |            | 22.60  |
| 3                                       |            | 21.50  |
| 4                                       |            | 21,50  |
| 5                                       |            | 22,00  |
| 0                                       |            | 22, 25   |
| 7                                       |            | 22, 50   |
| 8                                       |            | 22.75  |
| 9                                       |            | 23,00  |
| 10                                      |            | 23.25  |
|   |            | -  |

- 2. The footnotes below the table contained in § 1364.452 (p) (3) are amended by addition of footnote 5 to read as follows:
- \*If boneless stewing beef is not packed with dry ice, the applicable zone price shall be reduced 10 cents per cvt.
- 3. Section 1364.452 (p) (7) is amended by adding subdivision (viii) to read as follows:

(viii) Boneless stewing meat means meat prepared from fresh carcass beef, U. S. cutter and canner grade. All cuts of the beef carcass must be used except the tenderloin and kidneys which may be excluded and retained by the seller. All serous membranes shall be stripped from the flanks, skirts and navel ends. All meats shall be free from bones, cartilage and tendinous back strap. Fat shall not exceed 10 percent trimmable fat. The meat shall be cut into approximately 1 inch pieces, formed into 5 pound bricks, wrapped in heavy waxed paper. and packed in fibre or corrugated containers of uniform size and appearance. The meat shall be immediately placed in a freezer and frozen solid. All meats shall be in prime condition at the time of delivery at destination. Each container shall be inspected and passed by the Food Distribution Administration and at the time of such inspection, the consignee's acceptance stamp shall be placed on each container by the official inspector.

This amendment shall become effective July 29, 1943.

· (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.Q. 9328, 8 F.R. 4681)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,

Administrator.

[F. R. Doc. 43-12303; Filed, July 29, 1943; 4:43 p. m.]

<sup>17</sup> FR. 6428, 6966, 8239, 8431, 8798, 8943, 8948, 9197, 9342, 9343, 9785, 9971, 9973, 10480, 10619, 10718, 11010; 8 FR. 1060, 3324, 7782, 5681, 5755, 5933, 6364, 8506, 8873.

<sup>18</sup> FR. 4097, 4787, 4844, 5170, E478, 5634, 6058, 6427, 7109, 6945, 7169, 7200, 6011, 6577, 8756, 9066, 9300, 9995, 10362, 10363.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 12,1 Amdt. 47]

### COFFEE RATIONING REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Ration Order No. 12 is amended in the following respects:

- 1. Sections 1407.953 to 1407.1070, inclusive; §§ 1407.1072; 1407.1075 to 1407-1088, inclusive; §§ 1407.1091 and 1407.-1092 are revoked.
- 2. Section 1407.1071 is amended to read as follows:
- § 1407.1071 By persons transferring or acquiring green coffee. (a) Every person, other than the Army, Navy, Marine Corps, and Coast Guard, and Commodity Credit Corporation, who transfers or acquires green coffee shall, in August 1943, prepare a report in triplicate, showing:
- (1) His inventory of green coffee as of the close of business on July 31, 1943; (2) The amount of green coffee roasted

by him during Tuly 1943; and

(3) His inventory as of the close of business on July 31, 1943, of roasted coffee which was roasted by him.

The report shall be prepared on OPA Form R-1205 and shall contain, in addition to the foregoing information, such other information as is called for by such form, except that Schedules A and B of such form need not be completed by the person reporting. The original and duplicate of such report shall be sent to the Office of Price Administration, Washington, D. C., not later than August 10, 1943; the triplicate copy shall be retained by the person reporting.

(b) Every person other than a consumer, the Army, Navy, Marine Corps, and Coast Guard, and Commodity Credit Corporation, who transfers or acquires green coffee shall monthly, beginning in September 1943, prepare a report in duplicate showing the following:

(1) His inventory of green coffee on the last day of the preceding month;

(2) The amount of green coffee roasted by him during the preceding month;

(3) His inventory on the last day of the preceding month of roasted coffee which was roasted by him.

The original of each such report shall be sent to the Office of Price Administration, Washington, D. C., not later than the tenth day of each month; the duplicate copy shall be retained by the person reporting. Such report shall contain the identification number assigned to such person by the Office of Price Administration; if such number has not been assigned to the person making the report, he shall apply to the Washington Office of the Office of Price Administration for such identification number at the time of making his first such report.

(c) As used in this section, "inventory" includes all coffee (green or roasted, as

\*Copies may be obtained from the Office of Price Administration.

the case may be) located within the continental United States (the 48 States of the United States and the District of Columbia) to which the person reporting has title or holds documents of title, excluding, however, coffee which, although within the continental United States, has not cleared through Customs. Such person shall be deemed to have title to coffee (1) in transit or stored for delivery to him and out of the possession of the vendor; (2) held by him on consignment or any similar basis; (3) mortgaged, pledged, or otherwise used by him as security in a credit transaction; or (4) in the possession of his vendor if such coffee has been paid for and physically segregated or earmarked by the vendor for delivery to him.

- 3. Section 1407.1093 is added to read as follows:
- § 1407.1093 Deposit of ration evidences after July 29, 1943. On and after July 29, 1943, no person shall deposit any evidences in or open an account.
- 4. Section 1407.1094 is added to read as follows:

§ 1407.1094 Record keeping. Any person required by Ration Order No. 12 on July 28, 1943, to keep records shall, notwithstanding any amendment to Ration Order No. 12, retain in his possession such records for a period of not less than two years or until further order by the Office of Price Administration. Such records shall be available during such period for inspection by the Office of Price Administration.

This amendment shall become effective 12:01 a.m., July 29, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; Executive Order 9125; 7 F.R. 2719; E.O. 9280; 7 F.R. 10179; WPB Dir. No. 1, Supp. Dir. No. 1-R; Food Dir. No. 3, 8 F.R. 2005)

Issued this 28th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12325; Filed, July 29, 1943; 4:53 p. m.]

PART 1412—SOLVENTS
[MPR 37,1 Amdt. 7]

BUTYL ALCOHOL AND ESTERS THEREOF

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 37 is amended in the following respects:

1. The following definitions are added to § 1412.112 (a):

"Integrated producer of dibutyl phthalate" means a person who, in addition to producing dibutyl phthalate, also produces butyl alcohol or phthalic anhydride, or who acquires phthalic anhydride under a toll arrangement.

"Non-integrated producer of dibutyl phthalate" means any producer of dibutyl phthalate other than an integrated

producer.

"Commercial grade dibutyl phthalate" means dibutyl phthalate of the following specifications: a clear or water white color; an ester content of 99-100 percent; a specific gravity of 1.047 to 1.051; and a maximum acidity of .03 percent.

"Ordnance grade dibutyl phthalate" means dibutyl phthalate meeting U, S. Army Specification No. 50-11-61A (issued February 20, 1941) or any official subsequent revisions thereof.

sequent revisions mereor.

2. The head-note of § 1412.116 is amended to read as follows:

- § 1412.116 Appendix A: Maximum prices for butyl alcohol and butyl acetate.
- 3. A new  $\S$  1412.117 is added to read as follows:
- § 1412.117 Appendix B: Maximum prices for dibutyl phthalate—(a) Base maximum prices for sales of ordnance or commercial grade dibutyl phthalate. These maximum prices are per pound, f. o. b. works, for sales by a producer of dibutyl phthalate which he himself has produced from butyl alcohol and phthalic anhydride:

|   | Sales<br>by<br>into-<br>grated<br>pro-<br>ducors | Sales<br>by non-<br>into-<br>grated<br>pro-<br>ducers |
|---|--|---|
| Tank cars.  Drum carloads (drums included)  Drums I. c. l. (drums included) | \$. 195<br>. 205<br>. 210                        | \$.205<br>.216<br>.220                                |

(b) Differentials for fluctuations in average cost per pound of butyl alcohol. For every increase or decrease of \$.01 per pound in the computed average cost of butyl alcohol delivered at the works from a base average cost of \$.15 per pound, the maximum prices for dibutyl phthalate set forth in paragraph (a) above shall be increased or decreased, as the case may be, by \$.0057 per pound.

(c) Method of computation of average cost of the butyl alcohol and reporting-(1) For the period July 29 until and including August 9, 1943. The computed average cost of butyl alcohol of each seller of dibutyl phthalate for the period July 29 to and including August 9, 1943 shall be the weighted average cost of the butyl alcohol to be delivered to the plant according to the allocation of butyl alcohol to that seller by the War Production Board for the month of July. In the case of an integrated producer who produces butyl alcohol, his own butyl alcohol shall be included in the computation at the maximum tank car price for July 1943 as determined by him under Appendix A of this regulation. Within five days after July 29, 1943, each seller of dibutyl phthalate making sales for which maximum prices are established by this section shall report to the Office of Price

<sup>18</sup> F.R. 3400, 3843, 4486, 4519, 4977, 4892, 5318, 5480, 5486, 5818, 5846, 7198, 7267, 7344, 7380, 7767, 7601, 7825, 8679, 9024, 9305,

<sup>&</sup>lt;sup>1</sup>7 F.R. 6657, 7001, 7910, 8941, 8948; 8 F.R. 6046, 8874, 9884.

Administration his maximum prices for dibutyl phthalate for the period July 29 to and including August 9, 1943 and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during the month of July 1943.

(2) For each monthly period beginning with August 10, 1943 and ending on the ninth day of the succeeding month. The computed average cost of butyl alcohol of each seller of dibutyl phthalate for each such period shall be the average delivered cost of the butyl alcohol inventory on hand at the beginning of the current calendar month and the butyl alcohol allocated at the beginning of that month by the War Production Board for delivery to him during the month. In the case of an integrated producer who produces butyl alcohol, his own butyl alcohol shall be included in the computation at the maximum tank car price for the current calendar month as determine 1 by him under Appendix A of thispregulation. On or before the fifteenth day of each current calendar month, each seller of dibutyl phthalate making sales for which maximum prices are established by this section shall report to the Office of Price Administration his maximum prices for dibutyl phthalate for each period, and a detailed statement of his computed average cost for butyl alcohol delivered to his plant, showing the sources of supply, the amounts, and the prices of the butyl alcohol allocated to him during that current calendar month by the War Production Board.

(d) Sales by a producer of dibutyl phthalate acquired by him from another producer. The maximum price for sales by a producer of dibutyl phthalate which he has acquired from another producer shall be the maximum price determined under paragraphs (a), (b) and (c) of this Appendix for sales of his own production of dibutyl phthalate, or the maximum price determined under paragraphs (a), (b) and (c) of this Appendix by the producer from whom he obtained such dibutyl phthalate, whichever is lower.

This amendment shall become effective July 29, 1943.

Note: The reporting requirement of this amendment has been approved by the Burreau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[P. R. Doc. 43-12311; Filed, July 29, 1943; 4:44 p. m.] PART 1439—UNPROCESSED ACRICULTURAL COMMODITIES

[MPR 420,1 Amdt. 3]

FRESH FRUITS AND VEGETABLES FOR TABLE USE SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

- 1. Section 1 (f) (1) is amended to read as follows:
- (1) A pool car or pool truck, (that is, a car or truck containing one commodity owned by more than one seller or sold to more than one purchaser) shall be considered a carlot or trucklot.
- 2. Section 1 (f) (3) is amended to read as follows:
- (3) Sales by commission merchants, If a commission merchant makes a carlot or a trucklot sale to any wholesale receiving point, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at that wholesale receiving point. If a commission merchant makes a less-than-carlot or less-than-trucklot sale, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at the wholesale receiving point from which he is selling, plus either his usual charge or the markup established for less-than-carlot or less-than-trucklot sales of the particular fruit or vegetable. whichever is lower.
- 3. Paragraph (c) is added to section 2 to read as follows:
- (c) In addition to the adjustments mentioned in paragraphs (a) and (b) above, any regional office of the Office of Price Administration or such other offices as may be authorized by the appropriate regional office may make those certain adjustments which may be specifically provided for in any appendix, or paragraph or subparagraph of an appendix, to this regulation with respect to the particular fresh fruits or vegetables mentioned therein.
- 4. Subdivision (iv) is added to section 8 (a) (7) to read as follows:
- (iv) At wholesale receiving points where cartage and terminal charges are customarily incurred in the making of less-than-carlot or less-than-trucklot sales, such charges may not be included as "freight". Regional and district offices of the Office of Price Administration are delegated the authority in section 2 of Article 1 to make adjustments for certain types of cartage including those set forth in section 2.
- 5. A sentence is added to section 8 (a) (9) to read as follows:

If a person purchases fresh fruits or vegetables, f. o. b. country shipping point, all charges for re-icing in transit,

<sup>1</sup>8 F.B. 9546, 9563, 9727.

demurrage, or other similar charges, shall be paid by such purchaser out of the maximum price provided for him.

6. Columns 2 and 3 of Items 1 and 2 in Appendix A, section 15, Article III are amended in the following respects:

| Celi<br>Item<br>No. | Ccl. 2<br>Typo, variety, ctyle er paek, etc.  | CoL 3<br>Unit                       |
|---------------------|---|-------------------------------------|
| 2                   | Icahong Littuce in L. A. or Salinas a contessentating not least than 45 hearly with a minimum net weight of 60 pounds.  All letture in any container except leafurg Litture in L. A. or Salinas crates, and except bethough the net weight of least than 60 pounds in any container or less than 43 hearls in an L. A. or Salinas crate, each letture chall happing luming the provisions of this Item 2. | L. A. crate<br>or Salinas<br>crate. |

The first remain (including a grower) who packs littude in L. A. or Salance enter shall place, in legible rainting or whiting, the "minimum net weight" upon ruch enter.

- 7. Appendix B (3) of section 15 is amended to read as follows:
- (3) Maximum prices for sales to retailers and institutional users in less-than-carlots or less-than-trucklots in all markets in the following zones for the period June 1 to November 30.

|   | Col.1<br>June          |        | Col. 3<br>Scpt. | 1      |
|---|------------------------|--------|-----------------|--------|
| Alabama, Georgia, South<br>Carolina, Florida<br>Zone II: States of Kancas,<br>Ohlabama, Mirrouri, Ar-<br>kancas, Kontucky, Ten- | Cents<br>For D.<br>4.0 | Ter I. |                 | Ter I. |
| Corolina<br>Zone III: All other ctates  | 3.7                    | 2.6    | 3.4             | 3.2    |
| including Diriries of Co-<br>lumbia   | 3.6                    | 3.3    | 3.1             | 2.9    |

- 8. In Article III, section 15, Appendix C (e), the heading of Column 3 is amended to read as follows: "Maximum prices for less-than-carlot or less-than-trucklot sales at any place other than the country shipping point and to any person other than a processor or ultimate consumer."
- 9. The text of section 15, Appendix C
  (e) is amended to read as follows:
- (e) The maximum prices for sales of fresh berries in any container shall be as follows:
- (1) For sales of any fresh berries covered by this Appendix by hotel or institutional supply houses, the maximum price shall be the maximum prices stated in column 2 above, plus 5¢ per quart or 3¢ per pint.

(2) In sales by growers to ultimate consumers the maximum price shall be the price stated in column 3 above, multiplied by 1.34.

(3) Any of the above-listed berries may be sold by the pint or by the quart or in cases of pints or quarts or mixed pints and quarts. A quart, dry measure

<sup>•</sup> Copies may be obtained from the Office of Price Administration.

shall contain 20 ounces, avoirdupois, or more, and a pint shall contain 10 ounces, avoirdupois, or more. The per pound prices listed above may be converted to per quart prices as follows: For a 20 ounce avd. quart the price shall be 20/16 of the per pound price listed above; for a 30 ounce avd. quart the price shall be 30/16 of the per pound price listed above, and so on. In all cases where the maximum price results in a fraction of a cent the figure shall be rounded to the near-

(4) Adjustment provisions (See also section 2 of Article I). Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office may, by order, adjust the maximum prices for raspberries set forth in column 3, above, as follows: The upward limit to which prices may be adjusted is the lower of (a) the average price received by growers for the 1942 crop in the region or district wherein the adjusted price is to be effected as determined by the regional or district office from official United States Department of Agriculture market news sources plus 3¢ per pound or (b) 18¢ per pound plus an amount equal to the freight between the area for which the adjustment is being made and the shipping point, in Oregon, Washington, New York, Pennsylvania, Ohio, and Michigan, which is nearest to that area.

No adjustment upward may be made for raspberries grown or sold in the states of Oregon, Washington, New York, Pennsylvania, Ohio, or Michigan.

Effective date. This amendment shall

become effective July 29, 1943.

Note: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Issued this 29th day of July 1943. PRENTISS M. BROWN. Administrator.

Approved:

MARVIN JONES. War Food Administrator.

[F. R. Doc. 43-12315; Filed, July 29, 1943; 4:46 p. m.]

PART 1499—COMMODITIES AND SERVICES [Amdt. 11 to Rev. SR 141 to GMPR]

### TREASURY SILVER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

The effective date provision of Amendment 5 to Revised Supplementary Regulation 14 is amended to read as follows:

Amendment 5 to Revised Supplementary Regulation 14 shall become effective July 29, 1943.

18 F.R. 9187, 9880.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943. PRENTISS M. BROWN, Administrator.

[F. R. Doc. 43-12318; Filed, July 29, 1943; 4:43 p. m.]

### TITLE 33—NAVIGATION AND NAVI-GABLE WATERS

Chapter II-Corps of Engineers, War Department

PART 207-NAVIGATION REGULATIONS

DISPOSAL OF WATER BALLAST

Pursuant to the provisions of section 3 of the Oil Pollution Act, 1924 (43 Stat. 605; 33 U.S.C. 433), the following regulations governing the discharge of water ballast from vessels into the coastal waters of the United States are hereby prescribed.

§ 207.1 Coastal waters of the United States; discharge of water ballast—(a) General. Oil-free ballast water may be discharged into harbors at all times.

(b) Disposal at sea. It will be expected that vessels will dispose of all their ballast, or as much ballast as is practicable, before arrival in port-preferably about 100 or more miles offshoreexcept as otherwise ordered by Naval authorities.

(c) Disposal in port—(1) Tanks cleaned before ballasting. Tank vessels, in clean or dirty service, may pump their ballast overboard into harbors at any time whenever the tanks containing the ballast have been cleaned before the vessel was ballasted, provided this fact has been set forth by an entry in the log book. (This will apply to those vessels whose tanks have been cleaned prior to drydocking.)

(2) Tanks not cleaned before ballasting. Whenever owners or agents of tank vessels whose tanks have not been cleaned prior to ballasting are unable to secure barge or shore facilities to receive oil-contaminated ballast, water, such owners or agents shall communicate with the enforcing agency named in paragraph (d) below.

Such information shall be furnished on the depth of water in ballast tanks. and the nature of the oils to enable a decision by the enforcing agency as to. whether and to what extent discharge of ballast water into the harbor will be permissible.

The remainder of the ballast water shall be disposed of as directed by the enforcing agency.

(d) These regulations will be enforced by the Supervisor of New York Harbor in the New York area and by the Captain of the Port at other United States ports and unless previously modified or rescinded shall remain in effect only for the duration of the war. (43 Stat. 605; 33 U.S.C. 433) [Regs. 20 July 1943 (CE 800.224 SPEKH)]

[SEAL]

J. A. Ulio, Major General, The Adjutant General.

[F. R. Doc. 43-12295; Filed, July 29, 1943; 3:56 p. m.]

### TITLE 42—PUBLIC HEALTH

Chapter II-Children's Bureau

PART 201-MATERNAL AND CHILD HEALTH PERSONNEL STANDARDS

By virtue of and pursuant to the authority conferred by section 1102 of the Social Security Act (49 Stat. 647, 42 U.S.C. 1302), as amended, and in accordance with the provisions of the Department of Labor Appropriation Act for the fiscal year ending June 30, 1944 (Public No. 135, Title I, 78th Cong., 1st Sess., approved July 12, 1943), it is hereby ordered that Title 42, Chapter II, Part 201, § 201.5 of the Code of Federal Regulations be amended to read as follows:

§ 201.5 Personnel standards. State plans for maternal and child-health services approved by the Chief of the Bureau shall provide for the establishment and maintenance of personnel standards on a merit basis. Included in such standards shall be such provisions regarding the administration of a merit system and qualifications of personnel as shall be established by the Bureau after taking into consideration recommendations of the State and Territorial Health Officers and of the Bureau's advisory committees, and standards set by national professional organizations relating to qualifications of professional personnel and classification of professional schools: Provided, however, That the Chief of the Children's Bureau shall not promulgate or carry out any instruction, order, or regulation relating to the care of obstetrical cases which discriminates between persons licensed under State law to practice obstetrics or prevents any patient from having the services of any practitioner of her own choice, so long as State laws are complied

Dated: July 29, 1943.

FRANCES PERKINS. Secretary of Labor.

[F. R. Doc. 43-12354; Filed, July 30, 1943; 11:10 a. m.]

### TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 80,1 Amdt. 11] PART 95-CAR SERVICE

CLASSIFICATION OF RICE AS GRAIN AND APPOINTMENT OF PERMIT AGENTS

At a session of the Interstate Commerce Commission, Division 3, held at its

<sup>\*</sup>Copies may be obtained from the Office of . Price Administration.

<sup>1 8</sup> F.R. 8514.

office in Washington, D. C., on the 29th day of July, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 80, as amended, and it appearing that, due to inadequate storage space, there is danger of loss and damage to the rice crop unless provision is made for preference or priority in transportation, and that the Food Distribution Administration of the War Food Administration and the Office of Defense Transportation have requested that Service Order No. 80 be amended to include rice within the definition of the term "grain" and have requested the appointment of permit agents to control the movement of rice in certain market areas: the Commission is of the opinion that an emergency exists requiring immediate action;

It is ordered. That the term "grain" as defined in paragraph 1 of Service Order No. 80 (Codified as paragraph (a) of § 95.19 of Title 49, C.F.R.), as amended, is hereby amended to include rice; and the following persons are hereby designated and appointed as agents of the Commission to issue permits for the movement of grain (including rice) under the terms of this order to the following described markets:

Market area

Stuttgart, Jones-boro, Harrisburg, Carlisle, DeWitt,

Newport, and Tuckerman, Ark.

Crowley, Manchester,

ville,

dan,

Lake Charles, Kap-

lan, Rayne, Abbe-

Mermentau, Guey-

Hayes, Esther-

wood, New Iberia,

Lake Arthur and

Opelousas, La.

Orange, Texas.

Jennings,

Eunice.

Permit-agents C. C. Dehne, Manager, Arkansas Rice Traf-fic Bureau, Stuttgart. Ark.

W. J. Keller, Assistant Baton Rouge, La. Manager, Baton Rouge Rice Mills, Inc., Baton Rouge, La.

C, D. Arnold, Manager, Southwest Louisiana Traffic Bureau, Crowley, La.

Louis Becker, Traffic New Orleans, La. Representative, 749 South Peters Street, P. O. Box 1172, New

Orleans, La. F. H. Fredricks, Port Beaumont and Manager of the City of Beaumont, Beaumont, Texas.

It is further ordered, That Roy T. James, Houston Merchants Exchange, Houston, Texas, is hereby appointed as agent of the Commission to issue permits for the movement of rice to the Houston, Galveston, Bay City, El Campo,

and Eagle Lake, Texas, markets.

It is further ordered, That G. D. Hankins, Archer Daniels Midland Company, Fredonia, Kans., is hereby appointed as agent of the Commission to issue permits for the movement of flaxseed to the Fredonia, Kans., market.

It is further ordered, That Carl A. Hansen, Traffic Bureau, Des Moines, Iowa, Chamber of Commerce, is hereby substituted for A. V. Tischer as agent of the Commisison to issue permits for the movement of grain (including rice) to the Des Moines, Iowa Falls, Fort Dodge, and Centerville, Iowa, market area.

And it is further ordered, That this amendment shall become effective August 1, 1943; that copies of this amendment be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3. W. P. BARTEL,

[SEAL]

Secretary. [F. R. Doc. 43-12352; Filed, July 30, 1943; 10:53 a. m.]

### Notices

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket, Nos. A-1730-II, A-1869]

CERTAIN ORIGINAL PETITIONS

ORDER OF DISMISSAL

In the matter of certain petitions filed under section 4 II (d) of the Bituminous Coal Act of 1937.

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, were duly filed with this Division.

Since the Bituminous Coal Act of 1937 will cease to be in effect at 12:01 a.m. August 24, 1943 and since insufficient time remains prior to August 24, 1943, within which to hold hearings for the purpose of making a proper disposition of the said dockets and to action necessary to complete a determination in each of them, it appears appropriate that each of said petitions herein should be dismissed.

Now, therefore, it is ordered, That each of the petitions in the abovementioned dockets be, and the same hereby is, dismissed. Dated: July 28, 1943.

[SEAL]

DAN H. WHEELER. Director.

[F. R. Doc. 43-12357; Filed, July 30, 1943; 11:13 a. m.]

### [Order No. 353]

PETITIONS BY DISTRICT BOARDS OR CODE MEMBERS

ORDER CONCERNING EXPIRATION OF COAL ACT, FILING OF PETITIONS AND NEW CODE MILI-BER ACCEPTAINTS

An order concerning the expiration of the Coal Act and the filing of petitions for the revision or establishment of price classifications and minimum prices and concerning new code member acceptants.

Inquiries have been received by the Division concerning the filing of petitions by either District Boards or Code members seeking (1) the revision of established price classifications or minimum prices, (2) the establishment of price classifications and minimum prices for coal produced by code members in existing size groups or use classifications or for shipments by new methods of transportation or from new shipping points, and (3) the establishment of price classifications and minimum prices for the coals produced by new acceptants of the Bituminous Coal Code.

Some question as to the proper action to be taken with regard to the filing of petitions such as described above is occasioned by the Order dated April 5, 1943, in General Docket No. 19; Order No. 303, dated September 26, 1940, and by the fact that the Bituminous Coal Act will cease to be in effect at 12:01 a. m., August 24, 1943. The administrative problems involved in processing all petitions prior to 12:01 a.m. August 24, 1943, make it necessary to revise proce-

dures heretofore followed.

Inasmuch as disposition of the petitions categorized as (1) involves matters which for the most part require extensive investigation, public hearings, findings of fact and time for exceptions, arguments and the filing of briefs, and since sufficient time does not remain prior to August 24, 1943, when the Bituminous Coal Act ceases to be in effect, to consider and weigh all factors necessary to a proper disposition of such petitions, it is deemed necessary to put all interested persons on notice that such petitions, if received on or after 12:01 a. m., July 15, 1943, will not be accepted for filing.

The same considerations are present with regard to the petitions categorized as (2) except that hearings may not be required, but investigations must nevertheless be had in each case. Likewise, under existing rules, new acceptances of Code membership are not effective until thirty days after the filing thereof, except as provided in Order No. 303, and it is not administratively practical to process these acceptances in the usual manner. Accordingly, it is deemed advisable to establish a date beyond which formal action on such petitions and new Code acceptances will not be taken. As previously set out in Statement of the Director No. 101, that date is July 15, 1943. In order, however, that all producers and the District Boards may know what action to take, the following procedure will be adopted:

All new acceptances of the Bituminous Coal Code filed between 12:01 a.m. July 15, 1943, and August 24, 1943, shall be deemed to be effective from and after such filing with the Bituminous Coal Division. Code members and producers whose acceptances become automatically effective upon filing, pursuant to this order, may sell coal produced by

them at prices which are not less than the minimum prices previously established by the Division for comparable and analogous coals from the nearest mine in the same seam or substantially similar seam.

The same procedure as set forth above is applicable to Code members who, pursuant to the provisions hereof are precluded from filing petitions for the establishment of classifications or prices for unpriced coal produced from new mines or for unpriced coals in existing size groups or use classifications produced from mines presently operating or for shipments by new methods of transportation or from new shipping points.

Now, therefore, it is ordered, That:

- 1. Any new petition received by the Bituminous Coal Division after 12:01 a. m., July 15, 1943, which requests a revision of established price classifications or minimum prices or the establishment of price classifications and minimum prices for coals produced by Code members in existing size groups or use classifications which have not herefofore been established or for shipments by new methods of transportation or from new shipping points shall not be accepted for filing and shall be promptly returned to the petitioner together with a copy of this order.
- 2. All Code acceptances filed with the Bituminous Coal Division between 12:01 a. m., July 15, 1943, and 12:01 a. m., August 24, 1943, shall be deemed to be effective immediately as of the time of filing with the Bituminous Coal Division.
- 3. Producers of bituminous coal who have filed Code acceptances between 12:01 a.m., July 15, 1943, and 12:01 a.m., August 24, 1943, may sell bituminous coal produced by them without further approval by this Division at not less than the minimum prices previously established by this Division for comparable and analogous coal produced from the nearest mine in the same seam or substantially similar seam.
- 4. Code members who, pursuant to the provisions of paragraph 1 hereof, are precluded from filing petitions for the establishment of classifications or prices for unpriced coal from new mines or for unpriced coals in existing size groups or use classifications produced from mines presently operating or for shipments by new methods of transportation or for new shipping points may sell such coals produced by them without further ap-

proval of this Division at not less than the minimum prices previously established by this Division for comparable and analogous coal produced from the nearest mine in the same seam or substantially similar seam.

- 5. This order shall supersede any provision of any previous order, rule or regulation of the Division which may be in conflict with the terms hereof.
- 6. Any person desiring an opportunity to be heard concerning the subject matter of this order shall file a written request on or before August 7, 1943.

This order shall be effective forthwith. Dated: July 28, 1943.

[SEAL]

Dan H. Wheeler, Director.

[F. R. Doc. 43-12356; Filed, July 30, 1943; 11:13 a. m.]

### DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 769]
ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1943.

Inasmuch as Peoples Light and Power Company has transferred all its assets and liabilities to Garkane Power Association, Incorporated, and Garkane Power Association, Incorporated has assumed the entire indebtedness to United States of America, of Peoples Light and Power Company, arising out of a loan made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend the administrative order designated below to change the allocation designation specified therein as follows:

| Project designation  | Admini | strative order | Amount of  | Amount of | Now project                                      |  |
|--|--------|----------------|------------|-----------|--|--|
| - ·  | No.    | Date           | allocation | advanced  | designation                                      |  |
| Utah 8007A1 P. L. & P. (allotted as Utah<br>8007A1 Wayne, changed by Memorandum<br>to Staff dated September 15, 1939). | 198    | Feb. 18, 1938  | \$5,000    | \$5,000   | Utah 6 Garfield<br>(U tah 8007A1<br>P. L. & P.). |  |

I also hereby amend Administrative Order No. 314, dated December 29, 1938, by changing the project designation appearing therein as "Idaho R9006A2 Bonner" to read "Idaho R9004C2 Bonner."

HARRY SLATTERY, Administrator.

[F. R. Doc. 43-12297; Filed, July 29, 1943; 4:00 p. m.]

### [Administrative Order 770]

# ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1943,

Inasmuch as Border Electric Cooperative, Inc. has transferred all its assets and liabilities to North Star Electric Cooperative, Incorporated, and North Star Electric Cooperative, Incorporated has assumed the entire indebtedness to United States of America, of Border Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend the administrative orders designated below to change the allocation designations specified therein as follows:

|                                    | Admini         | strative order |                      | Amount of   | allocation      |  |
|------------------------------------|----------------|----------------|----------------------|-------------|-----------------|--|
| Project designation                | No.            | Date           | Amount of allocation | Advanced    | Not<br>advanced | New project designation  |
| Minnesota 1088A1 Koo-<br>chiching. | · <b>. 836</b> | Oct. 31, 1940  | \$107,000            | \$107,000   |                 | Minnesota 95 Lake of the<br>Woods (Minnesota                         |
| Minnesota 1088W1<br>Koochiching.   | 544            | Dec. 6,1940    | €, 000€              | 6,000       |                 | 1089A1 Koochiching).<br>Minnesota 05 Lake of the<br>Woods (Minnesota |
| Minnesota 2083B2 Koo-<br>chiching, | 620            | Sept. 23, 1941 | 27, 000              | 1, 533. 98  | ************    | 103981 Koochiching).<br>Minnesota 95 Lako of the<br>Woods (Minnesota |
| Minnesote 2.1000Ap                 | 697            | Мау 6.1942     | 2 222                | 4 000 00    | \$25, 466. 02   | 203882 Keochiching).<br>Minnesota 203583 Lake<br>of the Woods.       |
| Minnesota 2-1088A2<br>Koochiching. | . 037          | Мау 6,1942     | 8,000                | 1, 276. 85  | **********      | Minnesota 95 Lake of the<br>Woods (Minnesota<br>2-1088A2 Koochi-     |
|                                    |                | ,              |                      | ·           | 6, 723. 15      | ching).<br>Minnosota 2-1003A3<br>Lake of the Woods.                  |
| <del></del>                        |                |                |                      | <del></del> | ·               |  |

HARRY SLATTERY,
Administrator.

[F. R. Doc. 43-12298; Filed, July 29, 1943; 4:00 p. m.]

[General Memorandum 58]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1943.

The allocation specified below was made by Executive Order under the Emergency Relief Appropriation Act of 1935. It is now desired to change the allocation designation. However, inasmuch as Executive Orders cannot be amended by administrative order, such designation should for the purposes of our records be deemed to be changed as follows:

| Project designa-<br>tion | Date of Execu-<br>tive order | Amount<br>of allo-<br>cation | New project<br>designation |
|--------------------------|------------------------------|------------------------------|----------------------------|
| Iḍaho 6 Bonner.          | Nov. 29, 1935                | \$35, 759                    | Idaho 6004A2<br>Bonner.    |

HARRY SLATTERY, Administrator.

[F. R. Doc. 43-12299; Filed, July 29, 1943; 4:00 p. m.]

### ADMINISTRATOR OF CIVIL AERO-NAUTICS.

PORT COLUMBUS AIRPORT, COLUMBUS, OHIO

OPERATIONS BELOW PRESCRIBED MINIUM
WEATHER CONDITIONS

[Order 11]

JULY 19, 1943.

It appearing that:

- (a) Test flights of aircraft designed for military use are being conducted at Port Columbus Airport, Columbus, Ohio; and
- (b) It is necessary to conduct such test flights even when weather conditions are less than the prescribed minimums; and
- (c) The Commanding Office of the Aircraft Delivery Unit at Port Columbus, Ohio has indicated that such testing is required in the conduct of the war;

Now, therefore, the Administrator, acting pursuant to the provisions of the Special Civil Air Regulation No. 274, designates Port Columbus Airport, Columbus, Ohio as an airport where test flights of military aircraft, in accordance with the provisions of Special Civil

Air Regulation No. 274, may be conducted when weather conditions are less than the prescribed minimums.

C. I. STAUTON,
Administrator.

[F. R. Doc. 43-12346; Filed, July 39, 1943; 9:34 a. m.]

### FEDERAL POWER COMMISSION.

[Docket No. IT-5563]

OHIO PUBLIC SERVICE CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

JULY 27, 1943.

It appearing to the Commission that: (a) Subsequent to the hearing and the filing of briefs in this proceeding, the Commission adopted its opinion and order "In the Matter of The Connecticut Light and Power Company," Docket No. IT-5665, Opinion No. 75, 44 P. U. R. (N. S.) 170 and the Courts rendered decisions in "Jersey Central Power & Light Company v. Federal Power Commission" and "New Jersey Power & Light Company v. Federal Power Commission," - U.S. -, 87 L. ed. 869, and "Hartford Electric Light Company v. Federal Power Commission" (C. C. A. 2), 131 Fed. (2d) 953 (Certiorari denied, - U.S. -, 87 L. ed. 927), which relate to and dispose of many of the issues raised in this proceeding;

(b) Opportunity should be accorded counsel for the respondent, The Ohio Public Service Company, and counsel for the Commission, to present their contentions in this proceeding in the light of the decisions referred to above;

The Commission Orders, That:

Oral argument in this proceeding will be heard by the Commission sitting en banc, on September 15, 1943, at 9:45 a.m. (e. w. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-12296; Filed, July 29, 1943; 3:55 p. m.]

[Ducket No. G-483]

CITIES SERVICE TRANSPORTATION AND • CHERICAL CO.

NOTICE OF APPLICATION

JULY 29, 1943.

Notice is hereby given that on July 27, 1943, an application was filed with the Federal Power Commission by Cities Service Transportation and Chemical Company, a Delaware corporation having its principal place of business in Ponca City, Oklahoma, seeking a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act, as amended, for the construction and operation of the following described facilities:

(1) A gas compressor station of 8,000 horsepower capacity to be located in Texas County, Oklahoma, at the western terminus of the transmission line hereinafter described;

(2) A 26-inch gas transmission line approximately 231 miles in length extending from the compressor plant hereinabove described eastward to the Blackwell compressor station of Cities Service Gas Company in Kay County, Oklahoma, such line passing through Texas, Beaver, Harper, Woods, Alfalfa and Grant Counties, Oklahoma;

(3) A dehydration plant to be located at the proposed compressor station described in (1) above to reduce the formation of hydrates in the pipe line;

(4) A pipe line gathering system to be constructed in the Hugoton gas field, Texas County, Oklahoma, to connect certair, gas wells with the compressor station, described in (1) above; and

(5) A telephone pole line extending eastward from said compressor station to the telephone system of Citie: Service Gas Company at Mooreland, Woodward County, Oklahoma, thence eastward by a telephone carrier circuit over said system to applicant's home office at Ponca City.

Any person desiring to be heard or to make any protest in reference to said application should, on or before August 16, 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY, Secretary.

[P. R. Doc. 43-12359; Filed, July 39, 1943; 11:43 a. m.]

OFFICE OF ALIEN PROPERTY CUS-TODIAN.

[Vesting Order 1591]

ERNST W. C. TOEPFER

Re: Ernst W. C. Toepfer (a co-partnership).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Stiftung, J. W. G., which is located in Vaduz, Liechtenstein, is a founda-tion organized under the laws of Liechtenstein:

2. Finding that Guenther Martin is a citizen of Germany, whose last known address is Hamburg, Germany, and is a national of a

designated enemy country (Germany);
3. Finding that Stiftung, J. W. G., is controlled by Guenther Martin and is, therefore, a national of a designated enemy country

(Germany);

4. Finding that Ernst W. C. Toepfer is a co-partnership composed of Ernst W. C. Toepfer and Karl Heins, is established under the laws of the State of New York with its principal place of business in New York, New fork, and is a business enterprise within the

United States;

5. Finding that said Ernst W. C. Toepfer, a co-partnership, is controlled by, and is acting or purporting to act directly or indirectly for the benefit or on behalf of, the said Stiftung, J. W. G., and is a national of a designated enemy country (Germany);
6. Finding that the property described as

follows:

All property of whatever nature, situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of or owing to Stiftung, J. W. G., and standing in the name of Ernst W. C. Toepfer, a co-partnership,

is property within the United States owned or controlled by a national of a designated

enemy country (Germany);
7. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

8. Having made all determinations and taken all action, after appropriate consulta-tion and certification, required by said Executive Order or Act or otherwise; and

9. Deeming it necessary in the national

hereby vests in the Alien Property Custodian the property described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts. pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to

allowance of any such claim.
The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12244; Filed, July 29, 1943; 9:45 a. m.]

### [Vesting Order 1592]

#### H. F. RITTER & COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

- 1. Finding that Stiftung, J. W. G., which is located in Vaduz, Liechtenstein, is a foundation organized under the laws of Liechtenstein;
- 2. Finding that Guenther Martin is a citizen of Germany, whose last known address is Hamburg, Germany, and is a national of a designated enemy country (Germany); 3. Finding that Stiftung, J. W. G., is con-

trolled by Guenther Martin and is, therefore, a national of a designated enemy coun-

try (Germany);
4. Finding F. W. Holland-Letz, whose last known address is Steinbach-Hallenberg, Germany, is a business enterprise organized under the laws of Germany and is a national of a designated enemy country (Germany);

5. Finding that H. F. Ritter & Company, Inc., is a corporation organized under the laws of and doing business in the State of New York and is a business enterprise within the United States;

6. Finding that 10 shares of no par value common capital stock of H. F. Ritter & Company, Inc. are registered in the name of Ernst W. C. Toepfer, a co-partnership, and are beneficially owned by Stiftung, J. W. G.;

7. Finding that said 10 shares of stock constitute a substantial part (namely, 50%) of all issued and outstanding capital stock of H. F. Ritter & Company, Inc. and represent an interest therein;

8. Finding, therefore, that H. F. Ritter & Company, Inc. is a national of a designated enemy country (Germany);

9. Finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Stiftung, J. W. G., and F. W. Holland-Letz, and each of them, in and to all obligations, contingent or otherwise and whether or not matured, owing to them, or either of them, by H. F. Ritter & Company, Inc., including but not limited to all security rights in and to any and all collateral, for any or all such obligations and the right to enforce and collect such obligations, and including particularly the interests of Stiftung, J. W. G., and F. W. Holland-Letz, and each of them, in H. F. Ritter & Company, Inc., represented on its books and records as "accounts payable", the interest of Stiftung, J. W. G., being represented by accounts payable in the names of Ernst W. C. Toepfer, L. Herrmann, and Karl Heins.

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and is also property within the United States

and is also property within the United States owned or controlled by nationals of a desig-nated enemy country (Germany); 10. Determining that to the extent that such nationals are persons not within a des-ignated enemy country, the national inter-est of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

11. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

12. Deeming it necessary in the national interest:

hereby (i) vests in the Alien Property Custodian the 10 shares of stock referred to in subparagraph 6 and the property described in subparagraph 9 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction. management, supervision and control of such business enterprise to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 3, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12245; Filed, July 29, 1943; 9:45 a. m.]

### [Vesting Order 1698]

### MARGHERITA ROSSETTO

Re: First mortgage on real property owned by Margherita Rossetto.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,

and pursuant to law, the undersigned, after investigation:

- 1. Finding that Margherita Rossetto is a resident of Italy, whose last known address is Pavone-Canavese, Torino, Italy and is a national of a designated enemy country (Italy);
- 2. Finding that Margherita Rossetto is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

All right, title and interest of Margherita Rossetto, and of every other national of a designated enemy country, in and to any designated enemy country, in and to any and all obligations secured by a first mortgage, record title to which is held by the 
Lehigh Valley Trust Company for Margherita 
Rossetto and executed by Nathan J. Weller 
and Mabel H. Weller, his wife, on the 27th 
day of November, 1931 and recorded on Norember 27, 1931 in the Office of the Recorder vember 27, 1931 in the Office of the Recorder of Deeds of Lehigh County, Pennsylvania, in Mortgage Volume 409 at page 598, including but not limited to all security rights in and to any and all collateral (including the aforesaid first mortgage) for any or all such obligations, and the right to enforce and collect such obligations, and the right to the possession of all notes, bonds and other instruments evidencing such obligations,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

- 4. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);
- 5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and
- 6. Deeming it necessary in the national in-

hereby yests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12246; Filed, July 29, 1943; 9:46 a. m.1

# [Vesting Order 1721]

# DEUTSCHES HAUS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 1640 of June 10, 1943, that German American Bund, an unincorporated accociation, with its principal office in New York, New York, is a business enterprise within the United States and is a national of a designated enemy coun-

try (Germany);
2. Find 1g that Deutsches Haus, Inc., is a non-stock membership corporation organized under the laws of the State of California, whose principal place of business is located at 634 West 15th Street, Los Angeles, Callfornia, and is a business enterprise within the

United States;
3. Finding that Deutsches Haus, Inc., was organized by and is an instrumentality of the German American Bund, Los Angeles

Unit;
4. Finding that Deutches Haus, Inc., is controlled by and acts for or on behalf of a designated enemy country (Germany) or of nationals thercof;

5. Determining, therefore, that Dautaches Haus, Inc., is a national of a designated enemy

country (Germany);
6. Finding that the property described as follows:

All property of any nature what:cover cituated in the United States and owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to Deutsches Haus, Inc., including but not lim-ited to, property in the name of Deutsches Hous and/or Deutsches Haus Restaurant,

is property of the aforecald business enterprise within the United States which is a national of a designated enemy country (Germany);

7. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforecald designated enemy country (Germany);

8. Having made all determinations and taken all action, after appropriate consulta-tion and certification, required by said Executive Order or Act or otherwice; and 9. Deeming it negectary in the national

interest:

hereby vests in the Alien Property Custodian the property described in subparagraph 6 hereof, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Allen Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid

in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.
The terms "national", "designated

enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12247; Filed, July 29, 1943; 9:46 a. m.]

# [Vesting Order 1746]

### Lorenzo Fassio

Re: Two first mortgages on real properties and bank account owned by Lorenzo Fassio.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Lorenzo Fassio is a resident of Italy, whose last known address is Castell Alfero, Asti, Province of Asti, Italy, and is a national of a designated enemy coun-

try (Italy);
2. Finding that Lorenzo Fassio is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title and interest of Lorenzo Fassio and of every other national of a designated enemy country in and to the following obligations, including but not limited to all security rights in and to any and all collateral (including the mortgages hereinafter mentioned) for any or all such obligations, and the right to enforce and collect such obligations, and the right to the possession of all notes, bands and other instruments evidencing such obligations:

(i) Obligations secured by a first mortgage dated July [June] 20, 1923, executed by Fanny Louise Clark and recorded June 23, 1923, in the Manchester Land Records, Hart-ford County, Connecticut, in Book 75, page 389, and

(ii) Obligations secured by a first mortgage executed July 5, 1923 by Rachel Bradley and recorded August 7, 1923, in the Man-chester Land Records, Hertford County, Connecticut, in Book 75, page 464, and

b. All right, title, interest and claim of any name or nature whatsoever, of Lorenzo Fasclo, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Lorenzo Faccio by Savings Bank of Manchester, Manchester, Connecticut, including but not limited to all security rights in and to any and

all collateral for any or all such obligations, and the right to enforce and collect such obligations, and including particularly Savings Account No. 42,098 in said bank, due and owing to and held for and in the name of Lorenzo Fassio,

is property within the United States owned or controlled by a national of a designated

enemy country (Italy);
4. Determining that the property described in subparagraph 3-b hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore de-scribed in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of

said Executive Order;
5 Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid

designated enemy country (Italy);
6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest:

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim, arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 24, 1943.

[SEAL]

LEO T. CROWLEY. Alien Property Custodian.

[F. R. Doc. 43-12248; Filed, July 29, 1943; 9:47 a. m.]

[Vesting Order 1852]

ESTATE OF OSKAR KLINKE

In re: Estate of Oskar Klinke, deceased; File D-6-587; E. T. sec. 6947.

Under the authority of the Trading with the Enemy Act, as amended, and

Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interest hereinafter described are property which is in the process of administration by Henry O. Klinke and Emilia K. Hale, Administrators, acting under the judicial supervision of the County Court of the State of Oregon for Douglas County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Last known address Nationals: Ernest Klinke\_\_\_\_ Germany (Sudetenland).

(Austria). Rudolph Klinke\_ \_ Germany Hilda Klinke Fischer\_ Germany (Austria). Mimi Klinke\_\_\_\_ Germany (Austria).

And determining that-

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Or-der or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Ernest Klinke, Rudolph Klinke, Hilda Klinke Fischer and Mimi Klinke and each of them in and to the Estate of Oskar Klinke, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of.a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12249; Filed, July 29, 1943; 9:48 a. m.]

[Vesting Order 1853]

Anna Ferrantino

In re: Guaranteed First Mortgage Participation Certificate, Number 53 of Series 101,529 issued for \$8,974.63 issued by the Lawyers Mortgage Company to Anna Ferrantino; File F-38-1262; E. T. sec. 1839.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Allen Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is in the proc-ess of administration by William P. Thomas, Benjamin Antin and Henry G. McDonough, Trustees, acting under the judicial supervision of the Supreme Court of State of New York, County of Bronx, New York;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy,

namely, National:

Last known address

Anna Ferrantino\_\_\_\_\_ Italy. And determining that-

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and cortification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Anna Ferrantino in and to the Guaranteed First Mortgage Participation Certificate Number 53 of Series 101,529 for \$8,974.63 issued by the Law-yers Mortgage Company, New York,

to be held, used, administered, liquidated. sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated July 21, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12250; Filed, July 29, 1943; 9:48 a. m.1

### [Vesting Order 1854]

### NORI ROSA AILEEN MEDUNA

In re: Conservatorship of Property of Nori Rosa Aileen Meduna, sometimes known as Donaldina Meduna, a minor; File F-38-347; E. T. sec. 6030.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that

(1) The property and interests hereinafter described are property which is in the process of administration by the Nashville Trust Company, 315 Union Street, Nashville, Tennessee, Conservator, acting under the judicial supervision of the Chancery Court of Davidson County, Nashville, Tennessee;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy,

namely,

Last known address

National: Nóri Rosa Aileen Meduna, some- Italy. times known as Donaldina Meduna.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Nori Rosa Aileen Meduna, sometimes known as Donaldina Meduna, in and to the property in the hands of the Nashville Trust Company, Conservator appointed by Decree of the Chancery Court of Davidson County, Nashville, Tennessee, of funds distributable and payable to Nori Rosa Alleen Meduna, some-times known as Donaldina Meduna, a minor, from the estate of Donald Shaw MacLaughlan, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts. pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Allen Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12251; Filed, July 29, 1943; 9:48 a. m.]

### [Vesting Order 1855]

#### ESTATE OF CHRISTIAN NARR

In re: Estate of Christian Narr, also known as Christian Nahr, deceased; File D-28-2303; E. T. sec. 3164.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is in the process of administration by Rose Wiedmann Narr, Executrix, and Charles Wiedmann, Executor, of the estate of Christian Narr, deceased, also known as Christian Nahr, acting under the judicial supervision of the Or-phans' Court of Mercer County, New Jercey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Ger-

many, namely,

Last Imoun National: address Marie Naar Gern ... Germany.

And determining that—

(3) If such national is a percon not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatcoover of Marie Naar Gern, in and to the estate of Christian Narr, also known as Christian Nahr, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should

be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

LEO T. CROWLEY. Alien Property Custodian.

[F. R. Doz. 43-12252; Filed, July 29, 1943; 9:49 a. m.]

### [Vesting Order 1856]

TRUST UNDER WILL OF HENRY C. OPITZ

In re: Trust under Will of Henry C. Opitz, deceased; File D 28-1738; E. T. sec. 831.
Under the authority of the Trading

with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is in the process of administration by Bankers Trust Company, and Mollien O. Opitz, trustees, acting under the judicial supervision of Surrogate's Court, New York County, State of New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Last known Nationals: address Martha Knop. Germany. Bertha Geenneke\_\_ Germany. Wilhelm Baske and his next of Germany. kin and heirs at law.

And determining that—
(3) If such nationals are persons not within a designated enemy country, the national interest of the United States require that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Martha Knop, Bertha Goenneke and Wilhelm Baake and his next of kin and heirs at law, and each of them, in and to the Trust Estate created under the Last Will and Testament of Henry C. Opitz, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the

Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property. Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12253; Filed, July 29, 1943; 9:49 a. m.1

### [Vesting Order 1857]

### ESTATE OF PIETRO PETRIELLA

In re: Estate of Pietro Petriella, also known as Pietro A. Pietriella, deceased; File D-38-728; E. T. sec. 7118.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is in the process of administration by Potter Title and Trust Company, Fourth Avenue and Grant Street, Pittsburgh, Pennsylvania, Administrator, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

|                      | Last known |
|----------------------|------------|
| Nationals:           | address    |
| Vincenzina Petrielia | Italy.     |
| Michele Petriella    | Italy.     |

And determining that-(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Vincenzina Petriella and Michele Petriella, and each of them, in and to the estate of Pietro Petriella, also known as Pietro A. Petriella, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

LEO T. CROWLEY. [SEAL] Alien Property Custodian.

[F. R. Doc. 43-12254; Filed, July 29, 1943; 9:49 a. m.]

### [Vesting Order 1858]

### ESTATE OF MICHAEL PETROFF

In re: Estate of Michael Petroff, deceased; File D-11-18; E. T. sec. 3638.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is in the process of administration by Thomas J. Mattimoe, Edison Building, Toledo, Ohio, Administrator de bonis non, acting under the judicial supervision of the Probate the judicial supervision of (2) Such property and interests are pay-

able or deliverable to, or claimed by, nationals of a designated enemy country, Bulgaria, namely,

Last known Nationals: address Petrana N. Russeva. Bulgaria. Person or persons, names un-known, legal heirs of Michael Petroff, deceased. Bulgaria.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Bulgaria; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property nd interests:

All right, title, interest, and claim, of any kind or character whatsoever of Petrana N. Russeva and person or persons, names unknown, legal heirs of Michael Petroff, deceased, and each of them, in and to the estate of Michael Petroff, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY. Alien Property Custodian.

[F. R. Doc. 43-12255; Filed, July 29, 1943; 9:50 a. m.]

### [Vesting Order 1859]

TRUST UNDER WILL OF ERNEST PIA

In re: Trust under will of Ernest Pia. deceased; File No. F-38-1327; E. T. sec. 5408.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John Purcella, of New New, New York, Executor and Trustee, acting under the judicial supervision of the Sur-rogate's Court of New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Italy, namely,

Nationals: Last known address Caterina M. Pla\_\_\_\_\_ Omegna, per Forno, Italy. Clotilde Pia Tonoli\_\_\_\_ Omegna, per Forno,

Italy.

Giustina M. Pia..... Omegna, per Forno, Italy.

And determining that-(3) If such nationals are persons not within a designated enemy country, the national interest of the United States re-

quires that such persons be treated as nationals of a designated enemy country, Italy;

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Caterina M. Pia, Ciotilde Pia-Tonoli and Giustina M. Pi., and each of them, in and to a trust created under the will of Ernest Pia, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL]

Leo T. Crowley, Alien Property Custodian.

[F. R. Doc. 43-12256; Filed, July 29, 1943; 9:50 a. m.]

### [Vesting Order 1860]

### ESTATE OF PAUL REIMERS

In re; Estate of Paul Reimers, deceased; File No. D-28-3560; E. T. sec. 5728

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is in the process of administration by M. J. Winston, Esq., executor, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

(2) Such property and interests are pay-

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany,

namely,

Nationals:
Otto Reimers, and his issue Germany.
whose names are unknown.

Germany.

Robert Reimers..... Germany.

And determining that—

George Reimers\_\_\_\_\_

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate concultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Otto Relmers, and his issue, whose names are unknown, George Reimers and Robert Reimers, and each of them, in and to the Estate of Paul Relmers, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12257; Filed, July 29, 1943; 9:51 a. m.]

# [Vesting Order 1861] ESTATE OF M. RICHTER

In re: Partition Proceedings: J. M. Smith, plaintiff, vs. J. J. Lorenz, as administrator of the estate of M. Richter, deceased, defendant, filed in the Circuit Court of Wood County, West Virginia, In Chancery #8335, April 8, 1942; File F-28-13347; E. T. sec. 4289.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is involved in partition proceedings in the Circuit Court of Wood County, West Virginia, entitled, J. M. Smith, Plaintiff, vs. J. J. Lorenz, as administrator of the Estate of M. Richter, deceased, Defendant, In Chancery #8335, filed in said Court, April 8, 1942;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals: address
Edwin Lorenz Germany.
Emilie Unger. Germany.
Udo Schnelder Germany.
Minna Briccoweby Germany.
Paul Belger Germany.
Hedwig Lorenz Germany.
Emili Lorenz Germany.

And determining that—
(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals

of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and cartification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Edvin Lorenz, Emilio Unger, Udo Schneider, Minna Briccowchy, Paul Belger, Hedwig Lorenz and Emil Lorenz, and each of them, in and to the proceeds from the sale of the real property involved in the above partition proceedings,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Allen Property Custodian. This shall not be deemed to limit the powers of the Allen Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL]

Leo T. Crowley, Alien Property Custodian.

[F. R. Doc. 43-12253; Filed, July 29, 1943; 9:51 a.m.]

### [Vesting Order 1862]

### FRANK J. AND MARGARET L. ROBLING

In re: Trust under agreement dated July 13, 1931, executed by Frank J. Robling and Margaret L. Robling; File D-28-2325; E. T. sec. 3297.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and

pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is in the process of administration by Scranton Lackawanna Trust Company, 506 Spruce Street, Scranton, Pennsylvania, Trustee, acting under the judicial supervision of the Orphans' Court of Lackawanna County, Pennsylvania;

of Lackawanna County, Pennsylvania;
(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germannian

many, namely,

Nationals:

Benedikt Heinrich Werre...... Germany.

Anna Marie Wipperfuhrt nee Germany.

Werre.

Bernhart Friedrich Schmies.... Germany. Regina Johanna Shorn (Regina Germany.

Johanna Schorn) nee Schmies.

Martha Marie Freidlich (Margaretha Maria Friedlich) nee

Schmies.

Mathias Gaspers (Matthias Germany.

Gaspars).
Johannes Gaspers (Johannes Germany.
Gaspars)

Gaspars).

Bernard Gaspers (Bernhard Germany.
Gaspars).

Susanna Batzonath (Susanna Germany. Ratzonath) née Gaspers.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Benedikt Heinrich Werre, Anna Maria Wipperfuhrt nee Werre, Bernhart Friedrich Schmies, Regina Johanna Schorn (Regina Johanna Schorn) nee Schmies, Martha Maria Friedlich (Margaretha Maria Friedlich) nee Schmies, Mathias Gaspers (Matthias Gaspars), Johannes Gaspers (Johannes Gaspars), Bernard Gaspers (Bernhard Gaspars) and Susanna Batzonath (Susanna Ratzonath) nee Gaspers, and each of them, in and to the trust estate created under agreement dated July 13, 1931, executed by Frank J. Robling and Margaret L. Robling,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with

a request for a hearing thereon; on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12259; Filed, July 29, 1943; 9:51 a. m.]

### [Vesting Order 1863]

#### ESTATE OF JOSEPH RODER

In re: Estate of Joseph Roder, de-ceased; File D-28-2323; E.T. Sec. 3133.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph Roder, Jr., Administrator with the Will Annexed, 559 North 64th Street, Wauwatosa, Wisconsin, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Milwaukee;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Ger-

many, namely,

And determining that—

. (3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action; after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Katherina Fluegel in and to the estate of Joseph Roder, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL]

Leo T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12260; Filed, July 29, 1943; 9:52 a. m.]

### [Vesting Order 1864]

### ESTATE OF AGNES B. SCHAEDLICH

In re: Estate of Agnes B. Schaedlich, deceased. File D-28-6678; E.T. sec. 5076. Under the authority of the Trading with the Enemy Act, as amended and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property

Custodian after investigation,

Finding that:

(1) The property and interests hereinafter described are property which is in the process of administration by Edna Schmidt, 1924 McGraw Street, New York, N. Y., Executrix, acting under the judicial supervision of the Surrogate's Court, Kings County, State of New York; and

York; and
(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany,

namely,

Nationals: address
Albrecht Siegel Germany.
Louise Manger Germany.
Selma Brosius Gomany.
Louise Buttner Germany.

And determining that:

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Albrecht Siegel, Louise Manger, Selma Brosius and Louise Buttner, and each of them, in and to the Estate of Agnes B. Schaedlich, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and wheh it should be determined that such re-

turn should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-12261; Filed, July 29, 1943; 9:52 a. m.]

### [Vesting Order 1865]

TRUST UNDER WILL OF WILLIAM SCHAUS

In re: Trust under the will of William Schaus, deceased; File No. D-28-1459; E. T. sec. 140.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that-

(1) The property and interests hereinafter described are property which is in the process of administration by United States Trust Company of New York, acting under the judicial supervision of the Surrogate's Court, New York County, New York; and

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany,

namely,

| -                    | Last known |
|----------------------|------------|
| Nationals:           | address.   |
| Kuno Brinkmann       | Germany.   |
| Edwin von Kayser     | Germany.   |
| Bruno von Kayser     | Germany.   |
| Irmgard Spielberg    | Germany.   |
| Ruth Koehler         | Germany.   |
| Victor Koehler       | Germany.   |
| Bridget von Bothmer  |            |
| Thorwald von Bothmer | Germany.   |
| Annie von Zitzewitz  | Germany.   |
|                      |            |

And determining that—
(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Kuno Brinkmann, Edwin von Kayser, Bruno von Kayser, Irmgard Spielberg, Ruth Koehler, Victor Koehler, Bridget von Bothmer, Thorwald von Bothmer and Annie von Zitzewitz, and each of them, in and to a trust under the will of William Schaus, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-12262; Filed, July 29, 1943; 9:52 a. m.]

### [Vesting Order 1866]

### ESTATE OF HEIRY H. SCHLIDT

In re: Estate of Henry H. Schmidt, deceased; File D-28-2029; E. T. sec. 2105.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the prosess of administration by William A. Walter, executor, acting under the judicial supervision of the Probate Court of Wood County, Ohio.

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely.

And determining that-

(3) If such national is a percon not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elli Schmidt in and to the Estate of Henry H. Schmidt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Allen Property Custodian. This shall not be deemed to limit the powers of the Allen Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: July 21, 1943.

[SEAL] Leo T. Crowley,

Alien Property Custodian.

[F. R. Doc. 43-12263; Filed, July 29, 1943; 9:52 a. m.]

### OFFICE OF PRICE ADMINISTRATION.

[Rev. Gen. Order 32,1 Amdt. 6]

TERRITORIAL DIRECTORS

DELEGATION OF AUTHORITY TO ACT FOR THE PRICE ADMINISTRATOR

Revised General Order 32 is amended by adding subparagraph (c) (3) to read as follows:

(3) The authority delegated herein to the Regional Administrator for Region IX is hereby extended to the Territorial Directors in Puerto Rico, Hawaii, the Virgin Islands of the United States and Alaska.

This amendment shall become effective July 29, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 29th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12330; Filed, July 29, 1943; 4:51 p. m.]

LIST OF INDIVIDUAL OCCURS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 27, 1943.

<sup>18</sup> F.R. 1769, 2392, 2935, 4143, 5417, 7054.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK, Head, Editorial and Reference Section.

[F. R. Doc. 43-12327; Filed; July 29, 1943; 4:53 p. m.]

List of Individual Orders Granting Ad-JUSTMENTS, ETC., UNDER PRICE REGULA-TIONS

The following orders were filed with the Division of the Federal Register on July 28, 1943.

| July 20, 1040. | _                | ,           |
|----------------|------------------|-------------|
| Order No.      | •                | Name-       |
| RMPR 125, Ord  | er 42            | Slack -     |
|                | -                | Horner      |
|                |                  | Brasso      |
|                |                  | Mfg. Co.    |
| MPR 134, Order | . 88             | Little      |
|                |                  | .Rock       |
|                |                  | Road Ma-    |
|                |                  | c hinery    |
|                |                  | Co.         |
| MPR 136, as at | mended, Order 78 | _ Wisconsin |
| •              | •                | Machin-     |
|                |                  | ery & Mfg.  |
| •              |                  | Co.         |
| MPR 136, as an | ended, Order 79_ | Perfect     |
| •              |                  | Circle Co.  |
| MPR 136, as an | ended, Order 80_ | S t e wart- |
| •              | *                | War ner     |
| -              |                  | Corp.       |
| MPR 136, as an | nended Order 81. | Lowell      |
|                |                  | Shuttle     |
|                |                  | Co.         |
| MPR 120, Revis | sed Order 106    | Winston     |
|                | *                | Mining      |
|                |                  | Co.         |
| MPR 120, Orde  | r 227            | Little Ben  |
|                |                  | Coal Co.    |
| MPR 188, Orde  | r 525            | Shenan-     |
|                |                  | doah Val-   |
|                |                  | ley Lime    |
|                | ,                | &Stone      |
| _ •            |                  | Corp.       |
| *MPR 213, Orde | r 10             |             |
|                |                  | Spring      |
| ·              |                  | Co.         |
| MPR 225, Orde  | r 12             |             |
|                |                  | News        |
|                |                  | Forms       |
|                |                  | Co., Inc.   |

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK, Head, Editorial and Reference Section.

[F. R. Doc. 43-12326; Filed, July 29, 1943; 4:53 p. m.]

[Order 6 Under RPS 60]

PRIMARY DISTRIBUTORS OF DIRECT CON-SUMPTION SUGAR

### APPROVAL OF MAXIMUM PRICES

Order No. 6 under § 1334.51 (a) (6) (i) of Revised Price Schedule 60—Direct Consumption Sugar.

For the reasons set forth in an opinion issued simultaneously herewith, It is ordered:

(a) Maximum prices governing sales by primary distributors of certain new grades and packages of direct consumption sugar. (1) All primary distributors of direct consumption sugar are hereby authorized to determine their maximum prices for granulated sugar in small cotton bags enclosed in regular commercial type paper sacks containing 100 lbs. net of sugar by adding the same differential they have established for the same small size cotton bags enclosed in cotton sacks or cotton covers containing 100 lbs. net of sugar to the maximum basis price.

(b) This order may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective July 30, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

. Issued this 29th day of July 1943.

Prentiss M. Brown,
Administrator.

[F. R. Doc. 48-12329; Filed, July 29, 1943; 4:53-p. m.]

Regional, State, and District Office Orders.

[Region VI Order G-5 Under Rev. MPR 122]

SOLID FUELS IN TWIN CITIES AREAS, MINN.

Order No. G-5 under Revised Maximum Price Regulation No. 122—Solid Fuels Sold and Delivered by Dealers. Maximum prices for solid fuels sold in the Twin Cities Area.

Pursuant to the authority vested in the Regional Administrator of Region VI by § 1340.260 of Revised Maximum Price Regulation No. 122, and for reasons stated in the opinion issued herewith, It is ordered:

(a) What this order does. This order establishes maximum prices for sales of

specified solid fuels made in the Twin Cities Area. These are the highest prices that any dealer may charge when he delivers any of such fuel at or to a point in the Twin Cities Area or from a coal yard within such area; they are also the highest prices that any buyer in the course of trade or business may pay for such solid fuels.

(b) What this order prohibits. Regardless of any obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher that the maximum prices set by this Order No. G-5; but less than the maximum prices may at any time be charged, paid, or offered.

(2) Obtain a higher than maximum price by

(i) Charging for a service unless expressly requested by the buyer and unless specifically authorized to do so by this Order.

(ii) Charging a price higher than the schedule price for a service.

(iii) Making a charge higher than the schedule charge authorized for the extension of credit.

(iv) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, or

(v) Using any other device by which a higher than maximum price is ob-

tained, directly or indirectly.

(c) Price schedule. (1) Immediately below and as part of this paragraph (c) is a schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of sold fuels. Column 1 describes the coal for which prices are established; columns 2 and 3 show maximum prices at which sales of domestic coal may be made by the dealer; columns 4 and 5 show the maximum prices for sales of steam coal and columns 6 and 7 show the maximum prices for yard sales to other dealers for resale. All sales shall be on a net ton basis.

### SCHEDULE

| 1  | 2   | 3  | 4   | 5  | 6  | 7  |  |
|--|---|--|---|--|--|--|--|
| ,  |   | Domestic coal  |   | Steam coal consumer  |  | Dealer at yard   |  |
| Description .  | Deliv-<br>ered                            | At yard  | Deliv-<br>ered  | At yard  | Domestic   | Steam  |  |
| I. Low volatile bituminous coal from District No. 7 (West Virginia & Northern Virginia, Smokeless):  1. Lump 2" and over and egg mixed  2. Egg 3" x 2" and larger  3. Stove 2" x 1¼" and larger  4. Pea or Nut 1¼" x 5½"  5. Stoker Pea 3%" x ¼"  6. Unscreened stoker (buckwheat)  7. Sercenings 5½" x 0 and larger  8. Run-of-mine  II. High volatile bituminous from District No. 8 (Southern West Virginia, Virginia, Eastern Kentucky, Northern Tennessee):  1. Lump 2" and over: | \$15.30<br>15.65<br>15.10<br>14.30        | \$14.30<br>14.05<br>14.10<br>13.30<br>12.30<br>11.05<br>10.30<br>12.20 | \$13, 85<br>14, 20<br>13, 65<br>11, 80<br>11, 70<br>10, 00<br>9, 10<br>11, 70 | \$13, 45<br>13, 80<br>13, 25<br>11, 40<br>11, 30<br>9, 60<br>8, 70<br>11, 30 | \$12, 55<br>12, 90<br>12, 35<br>11, 55<br>10, 55<br>9, 80<br>9, 05<br>10, 80 | \$12, 85<br>13, 20<br>12, 65<br>10, 80<br>10, 65<br>9, 60<br>8, 10<br>10, 70 |  |
| A. Premium Kentucky (including ceals in High Splint, Miller's Creek and Jellico Seams and No. 5 seam coal in Price Classification A).  B. Elkhorn. C. Harlan. D. Dorothy, Hazard. E. Island Creek. 2. Egg: A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 Seam Coal in Price Classification A).   | 14.10<br>13.70<br>13.55<br>13.35<br>13.15 | 13. 10<br>12. 70<br>12. 55<br>12. 35<br>12. 15                         | 12. 25<br>11. 85<br>11. 70<br>11. 50<br>11. 30                                | 11. 85<br>11. 45<br>11. 30<br>11. 10<br>10. 90                               | 11. 35<br>10. 95<br>10. 80<br>10. 60<br>10. 40                               | 11, 25<br>10, 85<br>10, 70<br>10, 60<br>10, 20                               |  |

| SCHEDULE—Continued   |  |  |   |  |  |  |
|--|--|--|---|--|--|--|
| . 1  | 2  | 8  | 4   | δ  | 6  | 7  |
| ,  | Domes  | tic coal   | Steam coal consumer                       |  | Dealer at yard                               |  |
| <b>Description</b>   |  | At yard  | Deliv-<br>cred                            | At yard  | Dameetie                                     | Steam  |
| II. High volatile bituminous from District No. 8—  |  |  |   |  |  |  |
| Continued.  2. Egg—Continued.  B. Elkhorn  | \$13, 50<br>13, 35<br>13, 15<br>12, 95                   | \$12.29<br>12.35<br>12.15<br>11.05                     | \$11, 65<br>11, 59<br>11, 29<br>11, 19    | \$11, 25<br>11, 10<br>10, 20<br>10, 70               | \$10.75<br>10.60<br>10.49<br>10.29           | \$19,63<br>19,53<br>19,53<br>19,19           |
| E. Island Creek.  3. Stove:  A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 Seam coal in Price Classification A).  B. Elkhorn.  C. Harlan.  D. Dorothy, Hazard.  E. Island Creek.  4. Domestic Stoker (double screened coal):  A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 Seam coal in Price Classification A) Elkhorn, Harlan.  B. Dorothy, Hazard, Island Creek.  5. Screenings 1½" and not exceeding 2" x 0:  A. Premium Kentucky (including coals in High Splint, Miller's Creek and Jellico Seams and No. 5 Seam coal in Price Classification A) Elkhorn.  B. Hazard, Dorothy, Splint, Island Creek.  III. Cannal Coal (from District No. 8 (West Virginia and Eastern Kentucky): | 13.55<br>13.15<br>13.00<br>12.80<br>12.00                | 12.03<br>12.15<br>12.03<br>11.89<br>11.09              | 11.70<br>11.09<br>11.15<br>10.25<br>10.75 | 11, 09<br>19 09<br>19, 75<br>19, 75<br>19, 35        | 10,80<br>10,40<br>10,23<br>10,65<br>0,85     | 10.70<br>10.03<br>10.15<br>0.93<br>0.73      |
| High Splint, Miller's Creek and Jenco Seams and No 5 Seam coal in Price Classification A) Elkhorn, Harlan  B. Dorothy, Hazard, Island Creek  5. Screenings 14" and not exceeding 2" x 0:  A. Premium Kentucky (including coals in Mich Splitt, Miller Creek and Jolling  | 12,10<br>11,89   | 11, 10<br>10, 50                                       | 10,25<br>9,95                             | 9,85<br>9,65   | 0.35<br>0.65                                 | 9,23<br>8,63                                 |
| Seams and No. 5 Seam coal in Price<br>Classification A) Elkhorn.  B. Hazard, Dorothy, Splint, Island Creek III. Cannal Coal from District No. 8 (West Virgin-  | 11, 29<br>11, 05   | - 10, 20<br>10, 05                                     | 9.35<br>9.23                              | 8,05<br>8,80   | 8,43<br>8,09                                 | 8.35<br>8.29                                 |
| ia and Eastern Kentucky): 1. Lump 2" and over, egg 1V. Low Volatile bituminous coal (Smithing) from District No. 7 (West Virginic and Northern Vir   | 15, 65   | 14.63  |   |  | 12,99  |  |
| ginia): 1. Smithing coal-rulk V. Southern Mid-volatile bituminous coal from District Nos. 7 and 8 and District No. 3 coal in Price Classification A: 1. Lump 2" and over   | 14.70  | 13.70  | 13, 25                                    | 12.85  | 11,63  | 12.53  |
| Price Classification A:  1. Lump 2" and over   | 14.25<br>14.60<br>14.05<br>13.25                         | 13.25<br>13.63<br>13.05                                | 12.89<br>13.15<br>12.69                   | 12.40<br>12.75<br>12.20                              | 11.85<br>11.3)                               | 12.15<br>11.()                               |
| 5. Screenings 134" and not exceeding 2" x 0 VI. High volatile bituminous coal from District No.  | 11.50  | 10.20  | 9,09                                      | 8.00   | 8.03   | 8.0  |
| VI. High volatile bituminous coal from District No. 10 (Illinois) Southern Sub-District:  1. Egg 6" x 3"  2. Small Egg 3" x 2"  3. Stove 2" x 114"  4. Screenings not exceeding 2" x 0.  5. Domestic Stoker  VII. High volatile bituminous coal from District Nos. 2 and 3 (Northern West Virginia and Western   | 11. 45<br>11. 15<br>10. 70<br>9. 00<br>10. 05            | 10.45<br>10.15<br>9.70<br>8.00<br>9.05                 | 9.45<br>10.00<br>7.10                     | 9,35<br>9,65<br>9,69<br>6,69<br><b>7.</b> 49         | 8.70<br>8.49<br>8.05<br>7.05<br>7.89         | 8.73<br>8.45<br>0.60<br>6.10<br>6.80         |
| Nos. 2and 3 (Gornfern West Virginia and West in Pennsylvania):  1. Lump 2" and over  | 12. 65<br>12. 40<br>12. 05<br>11. 35<br>10. 80<br>10. 95 | 11. 65<br>11. 40<br>11. 05<br>10. 35<br>9. 90<br>9. 90 | 10, 55<br>10, 20<br>9, 15<br>8, 60        | 10, 25<br>10, 15<br>9, 80<br>8, 75<br>8, 20<br>8, 35 | 9.60<br>9.65<br>9.60<br>9.10<br>8.55<br>8.70 | 0.73<br>0.63<br>9.99<br>8.15<br>7.60<br>7.73 |
| VIII. Pennsylvania Anthracite:  1. Egg, Stove, Nut   | 17. 55<br>16. 00<br>14. 30                               | 1 - 15.00  |   | 11.45  | 14.89<br>13.25<br>19.25                      | 10.65  |
| trict No. 14: 1. Egg, Stove, Nut 2. Screenings   | 15, 25   | 14. 25   | 8.03                                      | 7.03   | 12.69  | 7,65   |
| X. By-product Coke: 1. Egg, Stove. Nut   | 14, 35<br>13, 10   |  |   | 12,59  |  | 11.00  |
| trict No. 14:  1. Egg, Stove, Nut  2. Screenings.  X. By-product Coke:  1. Egg, Stove. Nut  2. Pea  XI. Briquettes  1. Briquettes made from Beckley Seam District No. 7 coal  XII. Packaged Fuel   | 14.55  | 13,70  | 1   | * 12.15<br>12.35                                     | 11,45  | 11.73  |
| XII. Packaged Fuel   | 1 15.85  | 1  | <u>.'</u>                                 |  | · <u>·</u>                                   | *  |

\* SCHEDULE-Continued

To the above prices there may be added for calcium treated coal, if charged for at the mine, the sum of \$.10 per tan. To the above prices there may be added for oil treated or wax treated coal, if charged for at the deals, the sum of \$.15 per ton.

To the above prices there may be added for sacking the coal the sum of \$4.00 per ton.

(2) The prices provided for in the above schedule shall apply to all sales of all-rail coal and to the dock coal therein described which has been rescreened at the dock. The maximum prices for all sales by dealers for each size and kind of dock-run coal shall be \$.50 per net ton lower than the maximum prices set forth in the above schedule

has been rescreened at the dock.
(3) The maximum prices for all sales by dealers of solid fuel not provided for by the above schedule shall be the maximum prices applicable for such sales

for the same size and kind of coal which

under Revised Maximum Price Regulation No. 122, as amended, plus \$.40 per ton for domestic coal and \$.20 per ton for steam coal.

(d) Service charges. Immediately below and as a part of this paragraph (d) is a Schedule which sets forth maximum prices which a dealer may charge for special services rendered in connection with all sales under paragraph (c). These charges may be made only if the buyer requests such service of the dealer and only when the dealer renders the service. Such service charge shall be separately stated in the dealer's invoice.

| Trimming, per hour                      | 80.80 |
|---|-------|
| Carrying from curb, per ton             |       |
| Labor, per hour                         | .80   |
| Carrying up or down stairs, per flight, |       |
| ner ton                                 | .25   |

(e) Cash discounts. (1) If payment is made by the buyer not later than the 15th day of the month following the date of receipt of the fuel, the maximum prices set forth in the Schedule in paragraph (c) for sales of domestic coal shall be reduced by 50¢ per ton or by 25¢ per half ton, which reduction may be termed a "cash discount".

(2) On all sales made under any budget or installment plan, the maximum prices set forth in the Schedule in paragraph (c) shall be reduced by 502 per ton or by 252 per half ton, if all payments are made on time under such budget or installment plan.

(f) Sales of less than specified tonnages. For a sale of less than a ton, the maximum prices shall be computed as follows:

(1) From the per ton price set forth in the schedule in paragraph (c) deduct \$1.50 as a "cartage factor";

(2) Adjust the balance in proportion to the tonnage sold;

(3) Add back the "cartage factor" of \$1.50. All other variations from prices or specified quantities shall be proportionately adjusted in a similar way so that no more than the applicable and proportionate maximum price is obtained

(g) The transportation tax. The transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected in addition to the maximum prices set by this order, provided the dealer states it separately from the price on his invoice or statement. But no part of that tax may be collected in addition to the maximum price on sales of quarterton or lesser quantities, or on sales of any quantity of sacked coal.

(h) Addition of increases in supplier's price prohibited. Notwithstanding the provisions of Revised Maximum Price Regulation No. 122, the maximum prices set by this order may not be increased and need not be decreased by a dealer to reflect increases or decreases in purchase costs or in his supplier's maximum prices occurring after the effective date hereof; but increases or decreases in the maximum prices set hereby, to reflect such changes, are within the discretion of the Regional Administrator.

(i) Petitions for amendments. This order may be revoked, amended or modified at any time. Any dealer may at any time file with the Twin Cities District Office of the Office of Price Administration a petition for amendment to this order in accordance with the provisions of Revised Procedural Regulation No. 1.

(j) Records. Every dealer subject to this order shall preserve, keep, and make available for examination by the Office of Price Administration, the same records he was required to preserve and keep under § 1340.262- (a) and (b) of Revised Maximum Price Regulation No. 122.

(k) Posting of maximum prices: sales slips and receipts. (1) Each dealer subject to this order shall post all the maxi-

mum prices set by it for all his types of sales. He shall post his prices in his place of business in a manner plainly visible to and understandable by the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuel. No report of the maximum prices established by this order need be made by any dealer under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this order shall, within thirty days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, the price charged, and separately stating any transportation tax or service charge. This paragraph (k) (2) shall not apply to sales of quantities of less than onequarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who, during December 1941, customarily gave buyers sales slips or receipts shall continue to do so. Every dealer must, on request of a purchaser, provide a receipt containing the information required in the preceeding paragraph (k) (2).

(1) Definitions and explanations. When used in this Order No. G-5 the

- term,
  (1) "Twin Cities Area" shall include the urban and rural area in the State of Minnesota surrounding and including St. Paul and Minneapolis bounded by a line drawn between the outermost boundaries of the cities or villages of Robbinsdale, Golden Valley, Hopkins, Richfield, Bloomington, South St. Paul, Newport, Mahtomedi, White Bear, Brooklyn Center and Robbinsdale.
- (2) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at the point nearest and most accessible to the buyer's bin or storage space.
- (3) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard or at any place other
- than by his truck.
  (4) "Domestic coal" means all coal which is not steam coal.
- (5) "Steam coal" means solid fuels as defined in Revised Maximum Price Regulation No. 122, and which is sold to:
- (i) Commercial, institutional and industrial establishments and to hotels, rooming houses, four-plexes and apart-ment buildings having more than four apartments and having one central heating plant; and
- (ii) Where the annual consumption is normally 25 tons or more; and
- (iii) Where no single delivery is in a load lot at weights of less than three (3) tons for coal and two (2) tons for coke.
- (6) "Pennsylvania anthracite" means only coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

- (7) "Egg, stove, nut", etc. sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Committee, effective December 15, 1941.
- (8) "District No." refers to the geographical bituminous coal-producing districts as delineated and numbered by the Bituminous Coal Act of 1937, as amended.
- (9) "Low volatile bituminous coal" refers to coal produced in the low volatile sections of the producing districts specified herein.
- (10) "Medium volatile bituminous" coal" refers to coal produced in the medium volatile sections of the producing districts specified herein.

(11) "High volatile bituminous coal" refers to coal produced in the high volatile sections of the producing districts

specified herein.

(12) "Egg, stove, nut", etc. sizes of bituminous coal received entirely by rail refer to the sizes of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule promulgated by the Bituminous Coal Division of the United States Department of the Interior, except that "domestic run-of-mine" shall be that size sold as such by the dealer and which he customarily purchased at the mine as lump size.

- (13) "Egg, stove, nut", etc. sizes of bituminous coal received via the Great Lakes refer to the sizes of coal sold at the docks under such designations dur-

ing December 1941.

(14) Except as otherwise provided herein or as the context may otherwise require all terms used in this order shall bear the meaning given them in Revised Maximum Price Regulation No. 122 or the Emergency Price Control Act of 1942; or if not therein defined, they shall be given their ordinary and popular trade meaning.

(m) Effect of order on Revised Maximum Price Regulation No. 122. Except as herein otherwise provided, the provisions of Revised Maximum Price Regulation No. 122 shall remain in full force and effect.

This Order No. G-5 shall become effective August 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of July 1943.

RAYMOND S. McKeough, Regional Administrator.

[F. R. Doc. 43-12226; Filed, July 28, 1943; 4:35 p. m.]

[Region VI Order G-11 Under SR 14 to GMPR]

FLUID MILK IN MT. VERNON, ILL.

Order No. G-11 under Supplementary Regulation No. 14 to the General Maximum Price Regulation. Adjustment of Fluid Milk Prices in Mt. Vernon, Illinois, (Formerly Order No. 11.) .

The Regional Administrator has determined on his own action after investiga-

tion that (1) the price paid to producers by manufacturers of butter, cheese, condensed and evaporated milk, or milk powder for milk produced within the milk shed on which Mt. Vernon, Illinois depends for their supply of fluid milk has increased 41¢ or more per cwt. since March 1942; (2) distributors of fluid milk in said locality, which has a population of less than 100,000, in order to obtain the supply of milk for fluid use necessary to satisfy the normal requirements of the locality, are paying producers of such milk at least 41¢ more per cwt, than they paid in March 1942, and (3) notwith-standing the savings that have been effected or which may be effected as the result of the adoption of all practicable measures designed to reduce distribution costs, such distributors cannot fairly be expected to continue to distribute fluid milk in the locality hereinafter designated at the maximum prices established for them under section 1499.2 of the General Maximum Price Regulation.

Accordingly, for the reasons more fully set forth in the accompanying opinion and pursuant to Emergency Price Control Act of 1942, § 1499.73 (a) (1) (vi) of Supplementary Regulation No. 14 to the General Maximum Price Regulation: It

is ordered:

1. The maximum prices established for sellers of milk at wholesale and retail by § 1499.2 of the General Maximum Price Regulation are hereby increased as follows:

| Ordinary milk | 34 gallon    | Quart         | Pint            | 13 pint          |
|---------------|--------------|---------------|-----------------|------------------|
| Wholesalo     | \$0.02<br>02 | \$0.01<br>.01 | \$0.005<br>.005 | \$0.0025<br>None |
|               |              |               | T               |                  |
| Cremel        | lae          | `             | Gallon          | Quart            |

2. Every person selling milk in bottles or paper containers to a seller at retail shall furnish to each such purchaser of milk a statement which may be substantially in the following form:

The prices for milk have been increased in the amounts indicated below pursuant to permission of the Office of Price Administration. You are permitted to increase your prices by the same amount.

|           | inorcaso |
|-----------|----------|
| Gallon    |          |
| QuartPint |          |

- 3. This order shall apply to sales and deliveries of milk within the city limits of the City of Mt. Vernon, Illinois, and an area within one mile of such city limits.
- 4. Milk shall mean cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk. Sales at wholesale or retail shall include all sales whether by producer, distributor or other person of milk in bottles or paper containers.
  - 5. All sellers of milk who purchaso milk directly from the producers thereof shall file with the Illinois State Office of the Office of Price Administration a

statement on the 20th day of each month beginning with December 1942 of the prices paid by them to producers of milk for milk purchased during the pre-

ceding month.

6. This order shall be effective from the date hereof. It is subject to revocation or amendment by Regional Administrator at any time hereafter upon a finding that butterfat prices have decreased to the point where no diversion of fluid milk is threatened or for other reasons. This order is further subject to revocation by any price regulation issued hereafter, or by any supplement or amendment hereafter issued as to any price regulation the provisions of which may be contrary hereto.

7. All sellers of milk at retail shall immediately change the posting of ceiling prices for cost of living commodities and the records provided for by section 11 (b) of the General Maximum Price Regulation so as to reflect their changes

in maximum prices.

8. Copy of this order shall be mailed to every known distributor of milk within the City of Mt. Vernon. A copy thereof shall be filed with the local War Price and Rationing Board and insofar as practicable publicity shall be given to this order by means of the press serving Mt. Vernon, Illinois, and otherwise.

> JOHN C. WEIGEL. Regional Attorney.

NOVEMBER 9, 1942.

[F. R. Doc. 43-12227; Filed, July 28, 1943; 4:41 p. m.]

[Region VI, Order G-11 Under SR 14 to GMPR, Amdt. 1]

FLUID MILK IN MT. VERNON, ILL.

Amendment No. 1 to Order No. G-11 under Supplementary Regulation No. 14 to the General Maximum Price Regulation.

Pursuant to the Emergency Price Control Act of 1942, as amended, It is ordered, That paragraph 3 of Order No. G-11 under § 1499.73 (a) (1) (vi) to Supplementary Regulation No. 14 be and it is hereby amended to read as follows:

3. This order shall apply to all sales and deliveries of milk within the City of Mt. Vernon, Illinois and to all sales by any seller the greater part of whose dollar volume of sales are made to purchasers within the City of Mt. Vernon.

This order shall be effective immediately.

Issued this 21st day of January 1943. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

JOHN C. WEIGEL, Regional Administrator.

[F. R. Doc. 43-12228; Filed, July 28, 1943; 4:42 p. m.]

[Region VII Order G-20 Under 18 (c) of GMPR]

Lumber in Colorado Western Slope Area

Order No. G-20 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of retail prices of lumber in the Western Slope area of the State of Colorado; Docket No. VII 18 (c)-49. (Formerly General Order No. G-20.)

For the reasons set forth in an opinion issued simultaneously herowith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, It is hereby ordered:

- (a) Division of Western Slope area. For the purposes of this order the Western Slope area is divided into two districts as follows:
- (1) District No. 1, which shall consist of all that area lying within the corporate boundaries of the municipality of Grand Junction, Colorado.
- (2) District No. 2, which shall consist of all that area within the Western Slope area as hereinafter defined, except the area included within the corporate limits of the municipality of Grand Junction, Colorado.
- (b) Specific maximum prices for certain lumber in District No. 1. The maximum prices for lumber in District No. 1 of the Western Slope area shall from and after the effective date of this order be for each kind, grade and dimension S4S as specified in Schedule No. 1, which is set forth below and designated sec-
- (c) Specific maximum prices for certain lumber in District No. 2. The maximum prices for lumber in District No. 2 of the Western Slope area shall from and after the effective date of this order be for each kind, grade and dimension S4S as specified in Schedule II, which is set forth below and designated sec-
- (d) Definitions: For the purpose of this order:
- (1) "Western Slope area" means all of that area contained within the geographical boundaries of the counties of Moffat, Routt, Rio Blanco, Garfield, Eagle, Mesa, Delta, and Montrose, State of Colorado.
- (2) "Customary differential" means the price differential established by custom of the retail lumber business and prevailing throughout said Western Slope area as to the various kinds, grades, lengths, widths and finishes of lumber when sold at retail.
- (3) "Certain lumber" means S4S lumber manufactured from Douglas Fir as defined by § 1381.58 (2) of Maximum Price Regulation No. 26, and S4S boards of Western Pine and associated species of lumber as defined by § 1381.502 (b) of Maximum Price Regulation No. 94, and Red Cedar shingles.
- (e) Schedule I: Maximum prices for District No. 1. The maximum prices for S4S lumber in District No. 1 shall be as set forth in the following table:

|                                  | Per M   |
|----------------------------------|---------|
| No. 1 common fir, dimension S4S: | bd. jt. |
| 2 x 4 —8' to 14' inclusive       | £60.00  |
| 2 x 6 -8' to 14' inclusive       | 69.00   |
| 2 x 8 -8' to 20' inclusive       |         |
| 2 x 10-8' to 20' inclusive       | G3. Q3  |
| 2 x 12-8' to 14' inclusive       | 65. 69  |

|  | Per M   |
|--|---------|
| Fir flooring:                          | bd.ft.  |
| 1 x 3 B and btr. VG                    | 100.00  |
| 1 x 4 B and btr. VG                    | 93.00   |
| 1 x 4 C VG                             | 87.50   |
| 1 × 4 D VG                             | 75.00   |
| 1 x 6 B and btr. flat grain            | 83.00   |
| 1 x 6 C flat grain                     | 80.50   |
| 1 x 6 C VG                             | 90,00   |
| 1 x 6 D mixed grain                    | 63.00   |
| Fir drop ciding:                       |         |
| 1 x 6 B and btr. No. 105               | 83.50   |
| 1 x 6 C No. 106                        | 82.00   |
| 1 x 6 D No. 106                        | 63.00   |
| 1 x 6 B and btr. No. 117               | 83.50   |
| Fir ceiling:                           |         |
| % x 4 B and btr. DB25                  | 67.00   |
| Specified lengths, flooring, drop sid- |         |
| ing and ceiling:                       |         |
| 10' and under No as                    | idition |
| 12' to 20' \$5 a:                      | idition |
| Western pine boards \$45:              |         |
| 1 x 4 to 1 x 12, inclusive, No 3 RL    |         |
| (6' and longer)                        | £56.50  |
| 1 x 4 to 1 x 12, inclusive, No. 4 RL   | •       |
| (6' and longer)                        | 44.50   |
| Red cedar chingles:                    |         |
| No. 1-5/2-16" kiln dried or green      | 6.35    |
| (f) Schedule II: Maximum pric          | es for  |
| District No. 2. The maximum price      | es for  |

S4S lumber in District No. 2 shall be as set forth in the following table: Per M

No. 1 common fir dimension \$45.

| No. 1 common ur, almension 845:        | aa. jt.       |
|--|---------------|
| 2 x 4 —8' to 14' inclusive             | 863.00        |
| 2 x 6 —8' to 14' inclusive             | 63.00         |
| * 2 x 8 —8' to 20' inclusive           |               |
| 2 x 10-8' to 20' inclusive             |               |
| 2 x 12—8' to 14' inclusive             | 63.25         |
| Fir flooring:                          |               |
| 1 x 3 B and btr. VG                    | 105.00        |
| 1 x 4 B and btr. VG                    | 103.00        |
| 1 × 4 C VG                             | 92.00         |
| 1 x 4 D VG                             | 78.75         |
| 1 x 6 B and btr. flat grain            | 87.25         |
| 1 x 6 C flat grain                     | <b>24.</b> 50 |
| 1 x 6 C VG                             | 94.59         |
| 1 x 6 D mixed grain                    | 71.50         |
| Fir drop ciding:                       |               |
| 1 x 6 B and btr. No. 106               | 87.75         |
| 1 x 6 C No, 106                        | 86.00         |
| 1 x 6 D No. 109                        | 71.50         |
| 1 x 6 B and btr. No. 117               | 87.75         |
| Fir ceiling:                           |               |
| % x 4 B and btr. DB2S                  |               |
| Specified lengths, flooring, drop sidi | ng and        |
| celling:                               |               |
| 10' and under No a                     | ddition       |
| 12' to 23' 85 a                        | ddition       |
| Western pine boards \$4\$:             |               |
| 1 x 4 to 1 x 12 inclusive, No. 3 RL    |               |
| (6 and longer)                         | \$59.50       |
| 1 x 4 to 1 x 12 inclusive, No. 4 RL    |               |
| (6' and longer)                        | 47.00         |
| Red cedar chingles:                    |               |
| No. 1-5/2-16" kiln dried or green      | 6.85          |

- (g) Customary differentials. (1) Notwithstanding any local custom as to a differential in price between #1 and #2Common Fir Dimension S4S lumber, a price differential of not less than \$4.00 per thousand board feet shall be allowed on all sales of #2 Douglas Fir Dimension S4S when sold in lengths of 24' or less in either District No. 1 or District No. 2.
- (2) The customary differentials heretofore in common use by dealers in the Western Slope area shall be allowed in both District No. 1 and District No. 2 on 2 and #3 kiln dried or green Red Cedar shingles.
- (3) The prices of Fir Dimension, Fir Flooring, Fir Drop Siding, Fir Ceiling, and Western Pine Boards in grades, lengths and widths, all S4S, not specifically priced in Schedules I and II, shall

be determined by applying the "customary differential" except as provided in

paragraph (g) (1) hereof.

(h) Right to amend or revoke. The Regional Administrator or the Price Administrator may amend, revoke or rescind this order or any provision thereof at any time.

(i) Effective date. This order shall become effective March 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 12th day of March 1943.

ARNOLD E. SCOTT. Acting Regional Administrator.

[F. R. Doc. 43-12229; Filed, July 28, 1943; 4:38 p. m.]

[Region VII Order G-20 Under 18 (c) of GMPR Amdt. 1]

LUMBER IN COLORADO WESTERN SLOPE AREA

Amendment No. 1 to Order No. G-20 (formerly General Order No. 20) under § 1499.18 (c), as-amended, of the General Maximum Price Regulation. Adjustment of retail prices of lumber in the Western Slope Area of the State of Colorado.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended, of the General Maximum Price Regulation, It is hereby ordered:

Item 4 and #1 Common Fir Dimension S4S of Paragraph (f), Schedule II. of General Order No. 20 issued March 12, 1943, is amended to read as follows:

(f) Schedule II: Maximum Prices for District No. 2. \*

Per M bd.ft.

2 x 10-8' to 20' inclusive\_\_\_\_\_ This amendment shall become effec-

tive retroactively as of March 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 24th day of March 1943. CLEM W. COLLINS,

[F. R. Doc. 43-12230; Filed, July 28, 1943; 4:37 p. m.]

Regional Administrator.

[Region VII Order G-21 Under 18 (c) of GMPR]

FLUID MILK IN CHAMA, N. M.

Order No. G-21 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjustment of fluid milk prices in the town of Chama, Rio Arriba County, New Mexico; Docket No. VII 18 (c) -23. (Formerly General Order No. 21.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended of the General Maximum Price Regulation, It is hereby ordered:

(a) Maximum prices for fluid milk at wholesale and retail in the town of Chama, State of New Mexico. The

maximum prices for fluid milk sold or delivered at wholesale in glass bottles or paper containers, and sold and delivered at retail in glass bottles or paper containers or in bulk, in the town of Chama, Rio Arriba County, State of New Mexico, shall be from and after the effective date of this order as follows:

| Container<br>size | Wholesale in<br>glass bottles<br>or paper con-<br>tainers | Retail in<br>glass bottles<br>or paper con-<br>tainers or in<br>bulk | Grade                  |
|-------------------|---|--|------------------------|
| PintsQuarts       | Cents 7   | Cents<br>8<br>13   | Approved.<br>Approved. |

(b) Definitions. For the purpose of this order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at wholesale in glass bottles or paper containers, and at retail in glass bottles or paper containers or in bulk for human consumption in fluid form as whole. milk and containing not less than 3.25% butterfat and being of approved grade.

(2) "Town of Chama" means all that area lying within the corporate boundaries of the town or hamlet of Chama in Rio Arriba County, in the State of New Mexico, and extending a distance of three miles beyond at all points.

(3) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used in this order.

(c) Limitations of order. Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation, or any applicable price regulation supplementary thereto or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as Amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(d) Distributors must report prices paid producers. Sellers and distributors of fluid milk who adjust any price upward upon the authority of this order shall, on or before the 20th day of April, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the preceding month, the source or sources of supply from which the same was obtained and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether the price increase hereby

granted has been proportionately or equitably passed on to the producer.

(e) Customary differentials and discounts need not be maintained. From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: Provided, however, That any such seller at wholesale or retail may sell at a price lower than the maximum price established by this order if he so desires.

(f) Seller must report new prices to retail buyers. Any person making a first sale of milk at retail to any customer in the town of Chama, New Mexico, at the established maximum prices speci-fied in paragraph (a) hereof, shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By General Order No. G-21 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a.m. March 16, 1943, the maximum retail prices of milk in the town of Chama, New Mexico, have been modified to permit sales at (here state each container size and the present maximum retail price for same).

(g) Applicability of other regulations. All of the terms and provisions of the General Maximum Price Regulation not inconsistent with or not inapplicable to this regulation shall apply to this regulation and shall be deemed to be a part hereof to the same extent and with like operation and effect as if re-written herein.

(h) Right to revoke or amend. This order may be revoked, amended, modified or corrected at any time by the Price Administrator or the Regional Administrator. -

(i) Effective date. This order shall become effective as of 12:01 a.m. on March 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of March 1943.

CLEM W. COLLINS. Regional Administrator.

[F. R. Doc. 43-12231; Filed, July 28, 1943; 4:40 p. m.]

[Region VII Order G-22 Under 18c of GMPR]

FLUID MILK IN MCKINLEY AND VALENCIA Areas, N. Mex.

Order No. G-22 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjustment of fluid milk prices in the McKinley and Valencia areas of the State of New Mexico. (Formerly General Order No. 22.)

For the reasons set forth in an opinion issued simultaneouly herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended, of the General Maximum Price Regulation, It is hereby ordered:

(a) Maximum prices for fluid milk at wholesale and retail in the McKinley-Valencia area of the State of New Mexico. The maximum prices for fluid milk sold or delivered at wholesale in glass

bottles or paper containers, and at retail in glass bottles or paper containers, or in bulk, in the McKinley-Valencia area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

| Container<br>size                                      | Grade  | Wholesale in<br>glass bottles<br>or paper con-<br>tainers | Retail in<br>glass bottles<br>or paper con-<br>tainers or in<br>bulk |
|--|--|---|--|
| Half pints<br>Pints<br>Quarts<br>Gallons (in<br>bulk). | Approved<br>Approved<br>Approved<br>Approved | Cents 3½ 7 13   | Cents 6 8 15 45  |

(b) Definitions. For the purpose of this order:

(1) "Milk" means cow's milk produced, processed or raw, distributed and sold at wholesale in glass bottles or paper containers, and at retail in glass bottles or paper containers or in bulk, for human consumption in fluid form as whole milk and containing not less than 3.25% butterfat and being of approved grade.

(2) "McKinley-Valencia area" means all that area lying within the geographical boundaries of the county of McKinley of the State of New Mexico, and all that part of the county of Valencia of the State of New Mexico lying north of a line drawn through said county parallel with U. S. Highway No. 66 and being ten miles south of said Highway at all points.

(3) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used

in this order.

(c) Applicability of other regulations. All of the terms and provisions of the General Maximum Regulation not inconsistent with or not inapplicable to this regulation shall apply to this regulation and be deemed to be a part hereof to the same extent and with like operation and effect as if re-written herein.

(d) Sellers present maximum prices, if higher, shall continue. Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as Amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(e) Customary discounts and differentials need not be maintained. From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: Provided, however, That any seller at wholesale or retail may sell at a price lower than the maximum price established by this order if he so desires.

(f) Seller must report new prices to retail buyers. Any person making a first sale of milk at retail to any customer in the McKinley-Valencia area of the State of New Mexico, at the established maximum prices specified in paragraph (a) hereof, shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By General Order No. G-22 iccued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 A. M. March 16, 1943, the maximum retail prices of milk in the McKinley-Valencia area of the State of New Mexico have been modified to permit sales at (here state each container size and the present maximum retail price for the same).

(g) Distributors must report prices paid producers. Sellers and distributors of fluid milk who adjust any price upward upon the authority of this order shall, on or before the 20th day of April, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the preceding month, the source or sources of supply from which the same was obtained and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether the price increase hereby granted has been proportionately or equitably passed on to the producer.

(h) Right to revoke or amend. This order may be revoked, amended, modified or corrected at any time by the Price Administrator or the Regional Admin-

istrator.

(i) Effective date. This order shall become effective as of 12:01 a.m. on March 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 15th day of March 1943. CLEM W. COLLINS, Regional Administrator.

[F. R. Doc. 43-12232; Filed, July 23, 1943; 4:36 p. m.]

[Region VII Order G-23 Under 18 (c) of GMPR]

FLUID MILK IN OTERO COURTY, N. MEX.

General Order No. G-23 under § 1499.-18 (c) as amended of the General Maximum Price Regulation. Adjustment of fluid milk prices in the Otero County Area of the State of New Mexico; Docket No. VII-18 (c)-66. (Formerly General Order No. 23.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, It is hereby ordered:

(a) Otero area divided into two districts. The Otero area of the State of New Mexico is hereby divided into two districts to be known as District No. 1 and District No. 2, as hereinafter defined.

(b) Maximum prices for fluid milk at wholesale and retail in District No. 1 of the Otero area of the State of New Mex-The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers or at retail in glass bottles or paper containers, or in bulk, in District No. 1 of the Otero area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

| Container<br>cize             | Grado                            | Wholesale in<br>glass bottles<br>or paper con-<br>tainers | Retail in<br>glass bottles<br>or payer con-<br>tainers or in<br>bulk |  |
|-------------------------------|----------------------------------|---|--|--|
| Half pints<br>Pints<br>Quarts | Approved<br>Approved<br>Approved | Cenis 4 7 12  | Cents<br>6<br>8<br>14  |  |

(c) Maximum prices for fluid milk at wholesale and retail in District No. 2 of the Otero area of the State of New Mexico. The maximum prices for fluid milk sold at wholesale in glass bottles or paper containers or at retail in glass bottles or paper containers, or in bulk, in District No. 2 of the Otero area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

| Container<br>exis             | Grade                            | Wholesale in<br>glass bottles<br>or paper con-<br>tainers | Retail in<br>glass bottles<br>or paper con-<br>tainers or in<br>bulk |
|-------------------------------|----------------------------------|---|--|
| Half pints<br>Pints<br>Quarts | Approved<br>Approved<br>Approved | Cents 5 8 13  | Cents  |

(d) Definitions. For the purpose of this order:

(1) "Milk" means cow's milk produced. processed or raw, distributed and sold at wholesale in glass bottles or paper containers, and at retail in glass bottles or paper containers or in bulk, for human consumption in fluid form as whole milk and containing not less than 3.25% butterfat and being of approved grade.

(2) "Otero area" means all of the area lying within the geographical boundaries of the county of Otero in the State of

New Mexico.

(3) "District No. 1 of Otero area" means all that area within the county of Otero in the State of New Mexico, except the area contained within the boundaries of the municipality of Alamogordo and a distance of three miles beyond at all points.

(4) "District No. 2 of the Otero area" means all of that area contained within the boundaries of the municipality of Alamogordo and a distance of three

miles beyond at all points.

(5) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used in this order.

(e) Applicability of other regulation. All of the terms and provisions of the

General Maximum Price Regulation not inconsistent with or not inapplicable to this regulation shall apply to this regulation and be deemed to be a part hereof to the same extent and with like operation and effect as if re-written berein

(f) Sellers present maximum prices, if higher, shall continue. Any seller who has established maximum prices under § 1499.2 of the General Maximum Price Regulation or any applicable price regulation supplementary thereto, or pursuant to any market agreement or order made or issued under the provisions of the Agricultural Market Agreement Act as amended, that are higher than the prices fixed by this order, may continue to sell at such higher established maximum price and the same shall not be modified or superseded by this order.

(g) Customary discounts and differentials need not be maintained. From and after the effective date of this order it shall not be obligatory upon any seller of fluid milk to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: Provided, however, That any seller at wholesale or retail may sell at a price lower than the maximum price established by this order if he so desires.

(h) Seller must report new prices to retail buyers. Any person making a first sale of milk at retail to any customer in the Otero area of the State of New Mexico at the established maximum prices specified in paragraphs (b) and (c) hereof, shall at the time of delivery furnish the buyer with either a printed or written slip containing the following information:

By Order No. G-23 issued by the Regional Administrator of the Office of Price Administration and effective as of 12:01 a. m. March 15, 1943, the maximum retail prices of milk in the Otero area of the State of New Mexico have been modified to permit sales at (here state each container size and the present maximum retail price for the same).

(i) Distributors must report prices paid producers. Sellers and distributors of fluid milk, other than sellers at retail. who adjust any price upward upon the authority of this order shall, on or before the 20th day of May, A. D. 1943, and on or before the 20th day of each month thereafter, report to the State Office of the Office of Price Administration at Albuquerque, New Mexico, the quantity of milk handled during the preceding month, the source or sources of supply from which the same was obtained and the price paid the producer therefor on a butterfat basis either directly by the seller or by his immediate or remote supplier who did purchase directly from the producer. -This provision applies only to distributors who do not produce all of their supply of fluid milk, but purchase from another source of supply some part or portion of the milk which they sell and distribute. The purpose of this provision is to enable the State Office of Price Administration to determine whether the price increase hereby granted has been proportionately or equitably passed on to the producer.

(j) Right to revoke or amend. This order may be revoked, amended, modi-

fied or corrected at any time by the Price Administrator or the Regional Administrator.

(k) Effective date. This order shall become effective as of 12:01 a.m. on March 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 16th day of March 1943.

CLEM W. COLLINS,

Regional Administrator.

[F. R. Doc. 43-12233; Filed, July 28, 1943; 4:39 p.m.]

[Region VII Order G-24 Under 18 (c) of GMPR]

HORSE MEAT IN DENVER, COLO.

Order No. G-24 issued under § 1499.18 (c), as amended of the General Maximum Price Regulation. Adjustment of prices in the Denver, Colorado, area for horse meat used for animal feeding; Docket No. VII-18 (c) 57. (Formerly General Order No. 24.)

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended of the General Maximum Price Regulation, It is hereby ordered:

(a) Maximum prices for horse meat at wholesale and retail when used for animal feeding in the Denver, Colorado, area. The maximum prices for horse meat when sold at wholesale or retail for animal feeding in the Denver, Colorado, area shall be from and after the effective date of this order as follows:

(1) Unprocessed horse meat, fresh or frozen, wrapped or unwrapped, delivered f. o. b. the wholesale seller's place of business 104 per paint.

ness-10¢ per pound.

(2) Unprocessed horse meat, fresh or frozen and wrapped, delivered f. o. b. the retail seller's place of business—15¢ per pound.

(3) Processed horse meat, fresh or frozen, wrapped or unwrapped, sold at wholesale—7¢ per pound f. o. b. the wholesale seller's place of business.

(b) Definitions. For the purpose of this order:

(1) "Horse meat" means meat from slaughtered horses which, because of age or other infirmity or physical disability, have ceased to be useful as domestic work animals in the ordinary pursuit of farming, transportation and industrial operations

(2) "Processed horse meat" means raw horse meat ground and raw ground bone meal mixed together in the approximate proportion of 70% horse meat and 30% ground raw bone meal.

(3) "Sale at wholesale" means a sale by the slaughterer or wholesaler to any buyer for animal feeding purposes and delivered f. o. b. the wholesale seller's place of business.

(4) "Sale at retail" means a sale by one who has purchased from a wholesaler for the purpose of reselling to any buyer for animal feeding purposes and delivered wrapped or in a suitable pack-

age container at the retailer's place of business.

(5) "Denver, Colorado, area" means all of the area contained within the boundaries of the city and county of Denver, and a distance of 10 miles beyond at all points.

(c) Quantity discounts and price differentials need not be maintained. From and after the effective date of this order it shall not be obligatory upon any seller of horse meat or processed horse meat, either at wholesale or retail, to maintain or continue any customary allowance, discount, quantity discount or differential heretofore established by him: Provided, however, That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this general order if he so desires.

(d) Applicability of other regulations. Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) Right to revoke or amend. This order may be revoked, amended, or corrected at any time.

(f) Effective date. This order shall become effective as of 12:01 a.m. on March 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 20th day of March 1943.

CLEM W. COLLINS, Regional Administrator.

[F. R. Doc. 43-12234; Filed, July 20, 1943; 4:41 p. m.]

[Region VII Order G-25 Under 18 (c) of GMPR]

FROZEN BLACK SABLE COD IN PUEBLO, COLO.

Order No. G-25 issued under §1499.18 (c) as amended of the General Maximum Price Regulation. Adjustment of prices in the Pueblo, Colorado, area for frozen black sable cod at retail. (Formerly General Order No. 25).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c), as amended of the General Maximum Price Regulation, It is hereby ordered:

(a) Maximum prices for frozen black sable cod at retail in the Pueblo, Colorado, area. The maximum price for frozen black sable cod sold at retail in the Pueblo, Colorado, area shall be from and after the effective date of this order—23¢ per pound.

(b) Definitions. For the purpose of this order:

'(1) "Frozen black sable cod" means the black sable codfish as known to the fresh fish market trade in Seattle, Washington, and unprocessed otherwise than by freezing.

(2) "Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user, except that sales to hotels, restaurants and other purveyors of meals shall be deemed to be a sale at retail within the meaning of this order.

(3) "Pueblo, Colorado, area" means all of the area contained within the boundaries of the municipality of Pueblo and a distance of ten miles beyond at all

(c) Applicability of other regulations. Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein provided. however, that the maximum price established in the Pueblo, Colorado, area by the General Maximum Price Regulation for frozen black sable cod is hereby superseded by this General Order.

(d) Right to revoke or amend. This order may be revoked, amended or corrected at any time.

(e) Effective date. This order shall become effective as of 12:01 a. m. March 22, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 22nd day of March, 1943.

CLEM W. COLLINS, Regional Administrator.

[F. R. Doc. 43-12235; Filed, July 28, 1943; 4:37 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS **Under General Order 51** 

The following orders under General Order 51 were filed with the Division of the Federal Register on July 28, 1943.

#### REGION VI

Twin Cities Order 3, Amendment 3, Filed 12:05 p. m.

Twin Cities Order 4, Filed 12:05 p. m. Twin Cities Order 4, Amendment 1, Filed 12:04 p. m.

Sioux City Revised Order 3, Amendment 1, Filed 12:06 p. m.

Bismarck Order 3, Filed 11:58 a. m.

Bismarck Order 4, Amendment 1, Filed 11:58

Duluth-Superior Order 4, Filed 12:06 p. m. REGION VIII

Seattle Order 3, Amendment 6, Filed 12:01 p. m.

Seattle Order 4, Amendment 6, Filed 12:00

Seattle Order 3, Amendment 7, Filed 12:01 p. m. Seattle Order 4, Amendment 7, Filed 12:01

p. m. Seattle Order 5, Amendment 3, Filed 12:01

Seattle Order 6, Amendment 3, Filed 12:02

p. m. Seattle Order 7, Amendment 2, Filed 12:06

Seattle Order 8, Amendment 3, Filed 12:02

p. m.

Seattle Order 8, Amendment 4, Filed 12:07 p. m.

Seattle Order 11, Filed 12:02 p. m. Portland Order 4, Filed 12:00 p. m. Portland Order 5, Filed 11:57 a. m. Portland Order 6, Filed 11:57 a.m. Portland Order 7, Filed 11:58 a.m. Nevada Order 6, Filed 11:59 a.m. Spokane Order 6, Filed 12:03 p. m. Phoenix Order 5, Filed 12:03 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK Head, Editorial and Reference Section.

[F. R. Doc. 43-12328; Filed, July 29, 1943; 4.54 p. m.]

SECURITIES AND EXCHANGE COM-MISSION.

### [File No. 1-1737]

NEW PREMIER CONSOLIDATED MINES Co.

FINDINGS AND ORDER WITHDRAWING SECURI-TIES FROM REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 28th day of July, A. D., 1943.

In the matter of New Premier Consolidated Mines Company, common stock, \$1 par value, non-assessable.

This proceeding having been instituted pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether or not the Commission should suspend or withdraw the registration of the common stock, \$1 par value, non-assessable, of New Premier Consolidated Mines Company, listed and regis-tered on the Salt Lake Stock Exchange, a national securities exchange;

A hearing having been held after appropriate notice to the registrant and the Salt Lake Stock Exchange: the trial examiner having filed an advisory report finding that the registrant has failed to comply with the provisions of section 13 of the Act and Rules X-13A-1 and X-13A-2 promulgated pursuant thereto in that it has failed to file its annual report on Form 10-K for the fiscal year ended December 31, 1941; no exceptions to the trial examiner's report having been filed; the Commission having adopted the trial examiner's findings as being in accord with the evidence, and finding that it is necessary and appropriate for the protection of investors to withdraw the said stock from registration;

It is ordered, Pursuant to section 19 (a) (2) of the said Act, that the registration of the stock in question be and it hereby is withdrawn, effective ten days after the date of this order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,

Secretary.

[F. R. Doc. 43-12340; Filed, July 30, 1943; 9:32 a. m.]

# ]File No. 70-764]

TRI-CITY UTILITIES CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July 1943.

In the matter of Tri-City Utilities Company, Associated Electric Company, Owensboro Gas Company, K-T Electric and Water Company.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Associated Electric Company (Aelec), a registered holding company, and three wholly-owned subsidiaries, Tri-City Utilities Company (Tri-City), Owensboro Gas Company (Owensboro),

and K-T Electric and Water Company

All interested persons are referred to said application-declaration, which is on file in the offices of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

1. Tri-City proposes to transfer to Owensboro, at the base price of \$294,563, subject to certain adjustments, the natural gas distribution systems in and adjacent to the cities of Bowling Green, Hopkinsville, and Russellville, Kentucky, in consideration for which Owensboro proposes to issue and deliver 2,800 shares of its common stock (of the par value of \$50) to Aelec; it is further proposed that Aelec will, in turn, deliver to Tri-City, for cancellation, such number of the shares of common stock (\$1 par value) of Tri-City as equals the number of dollars of the net purchase price of said gas systems transferred to Owensboro.

2. It is further proposed that Tri-City transfer to K-T at the base price of \$281,653, subject to certain adjustments, (a) all the properties comprising, including within or applicable to, the electric distribution and transmission system located in and adjacent to the Cities of Franklin and Auburn, Kentucky, and (b) all the properties comprising the water production, transmission and distribution systems located in and adjacent to the towns of Irvine, Ravenna, Pembroke and Hawesville, Kentucky; in consideration for which K-T will issue and deliver 100 shares of its common stock (of the par value of \$1) to Aelec; Aelec will, in turn, deliver to Tri-City, for cancellation, such number of the shares of common stock of Tri-City as equals the number of dollars of the net purchase price of said electric and water systems.

3. It is further proposed that Tri-City transfer, deliver, and pay over to Aelec all of its remaining assets other than those which, by agreement dated June 4, 1943, between Aelec and the City of Frankfort, Kentucky, are required to remain the property of Tri-City on the closing date of said agreement (when all the outstanding common stock of Tri-City is to be transferred to said City of Frankfort, Kentucky); Aelec proposes to assume all the liabilities of Tri-City other than (a) those which the said agreement of June 4, 1943, between Aelec and the City of Frankfort, Kentucky, contemplates shall continue to be liabilities and obligations of Tri-City after the closing date of said agreement, and (b) those liabilities which it is proposed shall be assumed by Owensboro and K-T, respectively, in connection with the properties being transferred to those companies; it is further proposed that, in consideration for the transfer of Tri-City's assets (subject to liabilities as aforesaid) to Aelec, the latter shall surrender to Tri-City, for cancellation, all the remaining out-standing shares of Tri-City's common stock other than such number of shares as equals the estimated number of dollars of net purchase price payable to Aelec by the City of Frankfort, Kentucky, under the said agreement dated June 4.

1943, to be computed in the manner provided for;

4. It is further proposed that Owensboro effect an accounting reorganization, as part of which it proposes to reduce the par value of its presently outstanding common stock (consisting of 100 shares) from \$100 per share to \$50 per share, and to credit the sum of \$5,000 to capital surplus; and it further proposes certain other adjustments to its fixed capital account and to its surplus accounts for the purpose of eliminating upward revaluations and earned surplus deficit.

Said joint application-declaration further contains requests that the Commission enter its order reciting in substance that certain conveyances, transfers and the issuance of certain securities in connection with the transactions above referred to are necessary or appropriate to effectuate the provisions of section 11 (b) of the Act;

The applicants-declarants have designated sections 6 (b), 9 (a), 9 (b), 10, 12 (c), and 12 (f) of the Act, and Rules U-42 and U-43 promulgated thereunder, as being applicable to the proposed transactions;

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with re-

spect to said matters;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the Rules of the Commission thereunder be held on August 6, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by said joint application-declaration, particular attention will be directed at said hearing to the following matters and questions:

- 1. Whether the proposed transfers are in the public interest and in the interest of investors and consumers.
- 2. Whether the various considerations for the proposed transfers are fair and equitable.
- 3. The propriety of the proposed accounting treatment of each of the proposed transactions on the books of the applicants-declarants.
- 4. Whether the adjustments proposed on the books of Owensboro and the reduction of the par value of Owensboro's common stock are appropriate and in the interest of investors and consumers.
- 5. Whether the proposed transactions are necessary or appropriate to effectuate the provisions of Section 11 (b) of the Act and are fair and equitable to all persons affected thereby.

6. Whether, in all respects, the proposed transactions comply with all applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

7. Whether, and to what extent, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose terms or conditions in regard to any of the proposed transactions.

By the Commission.

- [SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-12341; Filed, July 30, 1943; 9:32 a. m.]

### [File No. 70-762]

# INDUSTRIAL GAS CORPORATION

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 29th day of July, A. D. 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Industrial Gas Corporation, a wholly-owned subsidiary of National Gas & Electric Company, a registered holding company. Industrial Gas Corporation is a non-utility company within the meaning of section 2 (a) (4) of the Act.

Notice is further given that any interested person may, not later than August 12, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application or declaration, as filed or as amended, may be granted or may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application or declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Industrial Gas Corporation seeks authorization extending to June 30, 1944, pursuant to section 6 (b) of the Act, particularly the first sentence thereof, to issue and sell notes to banks which notes may aggregate (together with all other then outstanding notes and drafts of a maturity of nine months or less, exclusive of days of grace, as to which such company is primarily or secondarily liable) up to 15% of the principal amount and par value of the other securities of such company then outstanding. It is stated that, due to war conditions, Industrial Gas Corporation is forced to expand its drilling operations

and that such program is imposing heavy cash demands upon the company, which the present application or declaration (or both) is designed to meet.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 43-12342; Filed, July 30, 1943; 9:32 a. m.]

## [File No. 70-755]

Suburban Gas and Electric Co., et al. order granting application and permitting declaration to become effective

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 27th day of July, A. D. 1943.

In the matter of Suburban Gas and Electric Company, New England Power Association, North Boston Lighting

Properties.

New England Power Association, a registered holding company, North Boston Lighting Properties, a subsidiary holding company of New England Power Association, and Suburban Gas and Electric Company, a subsidiary of North Boston Lighting Properties, having filed an application and declaration and amendments thereto pursuant to sections 6, 10 and 12 of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, U-44, U-50 and U-23, promulgated thereunder, with respect to the following proposed transactions:

Suburban Gas and Electric Company proposes to issue and sell for cash 25,120 shares of additional capital stock (par value \$25 each) at a price of \$31,25 a share. Such additional shares will be offered to the stockholders of Suburban Gas and Electric Company proportionately to their then holdings and warrants will be issued to the stockholders indicating the number of shares or fractions of shares to which each stockholder is entitled, but no fractional shares will be issued. The right of the stockholders to subscribe to the additional stock under the warrants will expire at 3:00 p.m., on the 21st day after the date of mailing them to the stockholders. The proceeds from the sale will be used solely by Suburban Gas and Electric Company to pay its indebtedness to North Boston Lighting Properties in the aggregate amount of \$785,000, represented by promissory notes maturing July 30, 1943, and bearing interest at 3% per annum. The Massachusetts Department of Public Utilities has approved the issuance of said shares at \$31.25 per share, the issuance of appropriate subscription rights therefor and the application of the proceeds by Suburban Gas and Electric Company, and has ordered that if any shares remain unsubscribed for by the stockholders entitled thereto, all of such shares shall be offered for sale at public auction.

North Boston Lighting Properties owning approximately 97.5% of the present outstanding capital stock of Suburban Gas and Electric Company will be entitled to receive warrants to subscribe

for 24,493 additional full shares and to receive fractional shares representing 671/12517ths shares and proposes to exercise its rights to subscribe to such stock and to acquire sufficient additional fractional warrants which will entitle it to subscribe to a full share. North Boston Lighting Properties will, subject to the consent of Massachusetts Department of Public Utilities to the sale, purchase from Suburban Gas and Electric Company at \$31.25 per share all shares not subscribed for by minority stockholders or, alternatively, will bid \$31.25 per share for such unsubscribed shares if sold at public auction.

New England Power Association, in accordance with the terms of the bank credit letter agreement securing \$13,000.-000 principal amount of 21/2% notes of North Boston Lighting Properties, due October 1, 1947, will cause all shares of Suburban Gas and Electric Company acquired by North Boston Lighting Properties to be pledged under said letter agreement together with such amount of cash as may be necessary to obtain release of the aforesaid promissory notes of Suburban Gas and Electric Company in the face amount of \$785,000 now pledged under said letter agreement. The amount of cash necessary to be pledged will be the difference between \$785,000 face amount of notes to be released and the cost of the additional shares pledged. The amount of cash necessary will not exceed \$19,562.50; and

Said application and declaration having been filed on June 30th, 1943, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the last amendment thereto having been filed on July 22, 1943, and the applicants having requested acceleration of the Commission's action, and the Commission not having received a request for hearing with respect to said application and declaration within the period prescribed in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of Sections 6, 10 and 12 of the Act and Rules U-42, U-43, U-44 and U-50 of the Commission are satisfied, and that no adverse findings are necessary thereunder; and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application, as amended, and to permit said declaration, as amended, to become effective;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application as amended, be and hereby is granted forthwith and that the aforesaid declaration, as amended, be and is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-12343; Filed, July 30, 1943; 9:33 a. m.]

[File No. 54-59]

NORTH AMERICAN LIGHT AND POWER CO.

NOTICE OF FILING OF APPLICATION AND AN
AMENDMENT THERETO AND ORDER FOR
HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 29th day of July 1943.

The Commission on December 30, 1941 having entered an order pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 directing that North American Light & Power Company, a registered holding company and a subsidiary of The North American Company, also a registered holding company, shall be liquidated and its existence terminated, and further directing that North American Light & Power Company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company in a manner consistent with the provisions of the Public Utility Holding Company Act of 1935 (see File No. 59-39); and said order having provided that before said companies take any step or action for the purpose of enabling North American Light & Power Company to comply with the provisions of said order such step or action shall be the subject of an application or applications to this Commission for the entry of necessary or appropriate orders;

Notice is hereby given that Illinois Traction Company, a registered holding company and a subsidiary of North American Light & Power Company, and North American Light & Power Company have filed a joint application designated as Application No. 6 and an amendment thereto which may be summarized as follows:

Illinois Traction Company proposes to sell to North American Light & Power Company 1,500 shares, par value \$100 per share, of the common capital stock of its subsidiary, Western Illinois Ice Company, a non-utility company, for \$93,000 in cash. The application alleges that Illinois Traction Company proposes ultimately to use the proceeds of said sale to the extent necessary to retire its outstanding preferred stock at par and accumulated dividends thereon, and upon the dissolution of Illinois Traction Company to distribute the remainder of said proceeds to North American Light & Power Company.

North American Light & Power Company proposes to sell the stock of Western Illinois Ice Company thus acquired to Union Service Corporation for \$93,000 in cash. Western Illinois Ice Company proposes to pay North American Light & Power Company a sum equal to the amount of cash on hand or on deposit on June 1, 1943, amounting to between \$45,000 and \$50,000 which amount will be credited on its income note, dated November 1, 1937, payable to North American Light & Power Company, on which the present balance due is \$425,000 and accrued interest. North American

Light & Power Company proposes to surrender said note, and to make a capital contribution in the amount of the balance remaining due thereon.

Notice is further given that said joint application states that the transactions therein proposed are part of the general plan of liquidating and dissolving North American Light & Power Company and of integrating its holding company system.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said joint application;

It is ordered, That a hearing be held at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the 13th day of August, 1943, at 10:00 a.m. in such room as may be designated on such date by the hearing room clerk. All interested persons are referred to said joint application which is on file in the office of said Commission for a full statement of the transactions therein proposed.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided in Rule XVII of the Commission's Rules of Practice on or before August 11, 1943.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing ordered herein. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Illinois Traction Company and North American Light & Power Company and that notice shall be given to all other persons by publication thereof in the Federal Register.

It is further ordered, That without limiting the scope of the issues presented by said joint application, particular attention shall be directed at said hearing to the following matters and questions:

(1) Whether the capital contribution by North American Light & Power Company to Western Illinois Ice Company is necessary or appropriate in the public interest or for the protection of investors.

(2) Whether the proposed transactions are necessary to effectuate the provisions of subsection (b) of section 11 of the Act and are fair and equitable.

(3) Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors, with particular attention to all accounting entries in connection with the proposed transactions and the proposal of Illinois Traction Company to utilize a portion of the proceeds for the redemption of its outstanding preferred stock.

(4) Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interests of investors or consumers or will tend to circumvent any provisions of the Act or the Rules, Regulations or Order promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-12344; Filed, July 30, 1943: 9:33 a. m.]

[File Nos. 54-67, 59-64]

PEOPLES LIGHT AND POWER CO., ET AL. NOTICE OF FILING OF AMENDED PLAN AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 29th day of July 1943.

In the matter of Peoples Light and Power Company and subsidiary companies, applicants, File No. 54-67; Peoples Light and Power Company, California Public Service Company, Texas Public Service Company, Texas Public Service Farm Company, West Coast Power Company, Western States Utilities Company, respondents, File No. 59-64.

The Commission having, on March 9, 1943 (Holding Company Act Release No. 4159), instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the Public Utility Holding Company Act of 1935 in the matter of Peoples Light and Power Company ("Peoples"), a registered holding company, and its subsidiaries; and the said proceedings having been consolidated for the purpose of hearing with an application heretofore filed by Peoples pursuant to section 11 (e) of said Act for approval of a Plan for compliance with sections 11 (b) (1) and 11 (b) (2) of said Act; hearings having been held in respect of such consolidated proceedings and having been adjourned subject to call of the Trial Examiner;

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the said Act by Peoples in the form of an amendment designated as Amendment No. 10 to the aforementioned application for approval of a Plan. All interested persons are referred to said document, which is on file in the office of the Commission for a full statement of the transactions therein proposed, which are summarized as follows:

1. West Coast Power Company ("West Coast"), a corporation organized under the laws of the State of Delaware, will be merged into California Public Service Company ("California") which is a corporation organized under the laws of the State of California. Both companies are subsidiaries of Peoples which owns all of their outstanding capital stocks. Such merger will be pursuant to the merger and consolidation laws of the States of California and Delaware and will be subject to the approval of the regulatory commissions in the States of California and Oregon. As a part of the merger agreement (a) California will acquire the assets and will assume the liabilities of West Coast, and. (b)

California will issue to Peoples 291,909 shares of Capital Stock of a par value later to be determined and to be supplied by further amendment.

2. Texas Public Service Company, a subsidiary of Peoples, will amend its charter to change or reclassify its no par value Capital Stock into 291,909 shares of Capital Stock of a par value later to be determined and to be supplied by further amendment. Texas Public will thereafter deliver to Peoples, which holds all of the outstanding Capital Stock of Texas Public, stock certificates representing the said 291,909 shares of Capital Stock in exchange for the certificates representing the 11,500 no par value shares presently outstanding.

3. The presently outstanding securities of Peoples are:

83,201 shares Cumulative Convertible Preferred Stock, \$3 dividend, \$25 par value, at liquidating preference of \$50 per share:

liquidating preference of \$50 per share; 62,520 shares Class A Common Stock, \$1 par value;

83,201 shares Class B Common Stock, \$1 par value.

Peoples, upon receipt of the shares of Capital Stocks of California (after merger with West Coast) and Texas Public as aforementioned, wil make a distribution of such stocks to its stockholders on the following basis:

Holders of the present prefered stock of Peoples will receive 3½ shares of the Capital Stocks of California and of Texas Public for each share of preferred stock held, or a total of 95% of such Capital Stocks. Holders of the present Class A and Class B common stocks of Peoples will receive one share of the Capital Stocks of California and of Texas Public for every 10 shares of common stock held. Through the proposed exchanges, holders of Class A and Class B common stocks of Peoples will receive 2.1% and 2.9%, respectively, of the Capital Stocks of California and of Texas Public.

In lieu of fractional shares, Scrip will be issued, which, in combination with other Scrip, will be exchangeable into full shares of California and Texas Public. Scrip not so exchanged within two years will become void. All shares of Capital Stock of California and Texas Public remaining unclaimed as of the expiration date of such Scrip will be disposed of either at a public or private sale and there will be distributed to the Scrip holders, upon surrender of their Scrip, their pro rata portion of the net proceeds of such sale plus any other cash from dividends or distributions which may be applicable to the shares of the Capital Stocks so sold.

4. Peoples will dispose of its investment in Texas Public Service Farm Company or distribute the Capital Stock of such company to the stockholders of Peoples on a basis whereby such stockholders will receive the same relative interest in Texas Public Service Farm Company (or in the proceeds from the sale of Peoples' investment therein) as they will have in California and Texas Public after the distribution described in paragraph 3.

5. Holders of the presently issued Purchase Warrants of Peoples will not participate in the Plan.

 Peoples will thereupon be dissolved in accordance with the Laws of the State of Delaware.

The consummation of the above program is declared to be contingent upon the Commission's approval of the transactions proposed in Amendments Nos. 5 and 6 to the application for approval of a Plan. Such amendments are described in Holding Company Act Releases Nos. 4355 and 4385. In brief, they relate to a refinancing of West Coast, the declaration of a dividend of \$754,400

from West Coast to Peoples, the contribution of \$1,000,000 by Peoples to Texas Public, the acquisition by Texas Public of the common stock of the Peoples Gas Company of Port Arthur, and the sale by Peoples of the common stock of the Western States Utilities Company, one of its subsidiaries.

If the Commission approves the proposed plan, Peoples proposes, as soon as practicable, to send to its stockholders a copy of the findings and order of the Commission in respect of such approval. Peoples further proposes to request that the Commission apply to a Federal Court to enforce and carry out the terms and provisions of the Plan without the necessity for approval thereof by the stockholders of Peoples. Peoples also proposes to send to its stockholders a copy of the notice of the hearing before the Court.

In the event that the Court shall approve the Plan and enter a decree enforcing it, the distribution proposed in the Plan will be made in accordance therewith commencing on or about the 30th day following the date on which the decree of such Court approving the Plan becomes final and no longer subject to judicial review.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect of such matters; and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

It further appearing to the Commission that the hearings herein should be reconvened;

It is ordered, That such hearings be reconvened on the 19th day of August, 1943 at 10:00 a.m., e.w. t. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That William W. Swift, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice

It is further ordered, That, without limiting the scope of the issues presented by these proceedings, attention will be directed at the reconvened hearing to a consideration of the following matters and questions:

1. Whether the transactions involved in the proposed amended Plan filed pursuant to section 11 (e) comply with all the requirements of the applicable provisions of the Act and the Rules promulgated thereunder.

2. Whether such proposed amended plan is necessary to effectuate the provisions of section 11 (b) of the Act, whether such plan is fair and equitable to the persons affected thereby, and whether such plan should be approved.

3. Whether the proposed merger will serve the public interest by tending toward the economical and efficient de-

velopment of an integrated public-utility system, whether it is detrimental to the carrying out of the provisions of section 11 of the Act, and generally, whether it complies with the standards and requirements of sections 9, 10 and 12 of the Act.

4. Whether the proposed securities of California and Texas Public comply with the standards of section 7 of the Act.

5. Whether the proposed acquisition of securities by Peoples from California and Texas Public, and any proposed reacquisition and retirement of securities by California, Texas Public and West Coast meet the requirements of sections 9 and 10 of the Act and any Rules and Regulations promulgated thereunder, and whether any sales of such securities are in compliance with section 12 of the Act and any Rules and Regulations promulgated thereunder.

It is further ordered, That any person desiring to be heard in connection with these proceedings or to intervene therein shall, on or before the 18th day of August 1943, file with the Secretary of the Commission his written request or application, as required by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this Order to Peoples and its various subsidiaries, to the Public Utility Commissions of the States of Idaho, Nevada, Oregon, and Wyoming, and the Railroad Commissions of California and Texas, not less than 15 days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to Peoples and its subsidiaries, to their security holders. and to all consumers of Peoples' subsidiary companies, to all states, municipalities, and political subdivisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all State Commissions, State Securities Commissions, and all agencies, authorities and instrumentalities of one or more states, municipalities, or other political subdivisions having jurisdiction over Peoples or its subsidiaries or any of the businesses, affairs or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this Order in the Federal Register not later than ten days prior to the date hereinbefore fixed as the date of the hearing.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other fillings or matters pertaining to the subject matter of this proceeding, or to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Dec. 43-12345; Filed, July 30, 1943; 9:33 a. m.]